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THE STATE OF OHIO.

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GENERAL AND LOCAL LAWS

AND

JOINT RESOLUTIONS,

PASSED BY THE

SIXTY-FOURTH GENERAL ASSEMBLY

AT ITS FIRST SESSION,

BEGUN AND HELD IN THE CITY OF COLUMBUS, JANUARY 5, 1880.

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VOLUME LXXVII.

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COLUMBUS:  
NEVINS & MYERS, STATE PRINTERS.  
1880.



# GENERAL LAWS.

[ House Bill No. 37.]

## AN ACT

Making appropriations for the general assembly.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That there be and is hereby appropriated, from any moneys in the general revenue fund not otherwise appropriated, for the payment of the salaries and mileage of the members of the general assembly, and the per diem of the clerks, assistant clerks, sergeant-at arms, assistant sergeant-at-arms, pages, and other employés under the laws and resolutions of the senate and house of the sixty-fourth general assembly, forty-five thousand dollars. For contingent expenses of the general assembly, three hundred dollars.

SEC. 2. This act shall take effect from its passage.

THOS. A. COWGILL,

*Speaker of the House of Representatives.*

JABEZ W. FITCH,

*President of the Senate.*

Passed January 9, 1880.

[ House Bill No. 41.]

## AN ACT

To provide for the enlargement or improvement, or both, of fair grounds for the use of county agricultural societies in certain cases, and to repeal sections 7462, 7463, 7464, and 7465 of the appendix to the revised statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That when any county agricultural society in any county of this state containing a city of the first class, with a population of two hundred thousand or more inhabitants, shall deem it necessary to improve the fair grounds used by such society, or to acquire additional fair grounds for the use of such society, and to improve its entire fair grounds thus enlarged, then the board of directors of such society may, at a general meeting of said board, by a vote of at least two-thirds of all the members thereof, upon a call of the yeas and nays, pass a resolution for the purpose of securing the bene-

Relating to  
fair grounds  
and purchase  
thereof.

Page 3  
Lower Act.  
Supplem.  
78 O. L. 23.

Notice to  
county com-  
missioners.

fits of this act, declaring such necessity and which of the two above mentioned alternatives said board deem it best for the good of said county and society to adopt; and if said board deem it best to acquire additional grounds, then said resolution shall also contain a proper description of the land to be purchased, giving its location, number of acres, the condition of payment and a plat thereof; and said board shall then, within thirty days from the passage of said resolution, give notice in writing to the county commissioners of the county containing such grounds, of the necessity of improving, or of enlarging and improving, the fair grounds under the control of such society as may be, which notice shall contain, or have annexed thereto, a certified copy of said resolution, and shall be signed by the president and secretary of said board of directors.

Powers of  
county com-  
missioners.

SEC. 2. That within thirty days after the filing of said notice and a copy as aforesaid, the said county commissioners shall purchase such lands as may be therein designated for additional fair grounds, if any lands be so designated, and if the lands can be purchased at the price and upon the conditions specified in said resolution, and shall improve the fair grounds now used by such society, or said grounds so purchased, or both, within a reasonable time not to exceed six months, in such a way as said board of directors may direct; but the total cost of said purchase or improvements, or both, shall not exceed fifteen thousand (\$15,000) dollars.

Conditions  
and cost.

Provisions  
for payments  
for improve-  
ments and  
additional  
grounds.

SEC. 3. That the payment of said purchase or improvement, or both, as may be, shall be made by said county commissioners from any unappropriated funds in the county treasury at the time said payments are to be made, and if no such funds are in the county treasury at such times, then said commissioners are hereby directed to issue the bonds of the county for such amounts as may be necessary to make the required payments aforesaid; such bonds to bear legal interest, and to be payable at the office of the county treasurer at such times, not exceeding five years from the date thereof, as said commissioners shall determine, and to provide for the payment of said bonds the said county commissioners are hereby directed to levy such annual taxes on all taxable property of the county as may be necessary therefor; said assessments shall be collected and accounted for, as other county taxes are, by the proper county officer.

Issuance of  
bonds; regu-  
lating inter-  
est and time  
of payment.

Commission-  
ers to make  
levy.

Title and  
control of  
lands and im-  
provements.

SEC. 4. That while the title to the grounds so purchased, if any be purchased, shall be vested in the county commissioners for the use and benefit of any such county, the control and management of the lands and the improvements thereon erected shall be vested absolutely in the board of directors of such society, and no change of name or other cause shall ever interfere in any manner with the control of the property, or the management thereof, so long as a county agricultural society within such county is governed by the regulations of the Ohio state board of agriculture.

Rules of gov-  
ernment.

SEC. 5. That the act entitled "an act to authorize the purchase of additional fair grounds for the use of county agricultural societies in certain cases, and to repeal a certain [act] herein named," (vol. 76, p. 37; and being also sections 7462, 7463, 7464, and 7465 of the appendix to the revised statutes of Ohio), passed March 22, 1879, be and the same is hereby repealed, and that this act shall take effect and be in force from and after its passage.

Previous act  
repealed.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed January 30, 1880.

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[Senate Bill No. 3.]

AN ACT

To repeal an act entitled "an act supplementary to an act defining the powers and prescribing the duties of the board of public works, passed May 14, 1878." (Ohio Laws, vol. 76, p. 15; Rev. Stat., sec. 7867.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That an act entitled "an act supplementary to an act defining the powers and prescribing the duties of the board of public works, passed May 14, 1878," passed and took effect February 12, 1879, be and the same is hereby repealed.

SEC. 2. That this act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed February 4, 1880.

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[House Bill No. 95.]

AN ACT

To amend section 907, chapter 1, title 8, of the revised statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section number 907 of the revised statutes of Ohio, be amended to read as follows:

Section 907. Whenever any of the records of any county are destroyed, in whole or in part, any map, plat, deed, conveyance, mortgage, power of attorney, or other instrument in writing, or record in any proceeding authorized by law to be recorded, which affects real estate in the county or the

Page 5  
Sec. 907.  
Amended  
77 O.L.113.



Re-recording  
destroyed  
records.

continuing rights of parties to such record, and of which the originals, or exemplifications of the same, have been before recorded, such originals, or exemplifications, or certified copies of the former record, may be recorded in the proper office therefor; and in re-recording the same, the officer shall record the certificate of the previous record, and the date of filing for record appearing on the original or certified certificate so recorded shall be taken and held as the date of the recording of the instrument to which it is attached; and copies of the records herein authorized to be made, duly certified, shall have the same force and effect as evidence as certified copies of the original record; and when any of the instruments or records aforesaid shall be presented to the county recorder, or other officer, the proper custodian of such records, he shall forthwith record and index the same in accordance with the law for the original recording; and some competent person, employed for that purpose by the county commissioners at a reasonable compensation, shall compare such record with the instrument so recorded, and if the same has been correctly recorded, he shall certify on the margin of the page upon which such record has been made the correctness of the same; and such recording officer shall receive compensation for recording any map or plat aforesaid, not exceeding six lines, one dollar, and for each additional line, five cents; and for any recording and indexing aforesaid, other than said map or plat, at the rate of not more than five cents for every hundred words; said compensation to be paid out of the county treasury upon the allowance of the county commissioners: provided, that no bill for services under this section shall be allowed by the county commissioners until they are first duly satisfied that such services have been rendered and the charges therefor are not in excess of the rates herein provided.

SEC. 2. That said section number 907 of the revised statutes be and the same is hereby repealed.

SEC. 3. This act shall take effect on its passage,

JOHN A. WILLIAMSON,

*Speaker pro tem. of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Passed February 11, 1980.

[House Bill No. 77.]

#### AN ACT

To amend section 4081 of the revised statutes (part 2, title 3) relating to school examinations.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section forty hundred and eighty-one of the

revised statutes (part 2, title 3) be amended so as to read as follows :

Section 4081. Each person who applies to the board for examination shall pay to the clerk a fee of fifty cents. The board may grant certificates for one, two, or three years (except in cities of the first class, in which the certificates shall be for two, five, or ten years), which shall be signed by the president and attested by the clerk, and shall be valid within the district wherein they are issued; and on the production of satisfactory evidence that a person to whom a certificate has been issued is inefficient or guilty of immoral or improper conduct, the board shall revoke the certificate and discharge such person from employment as a teacher in the district; but such teacher shall be entitled to pay for services to the time of such discharge, and the word teacher shall be held to include superintendents of schools.

Examination  
fee.

Page 6  
Sec. 4081.  
Amended.  
78 O.L.87.

Powers of  
board.

Sec. 2. That said original section 4081 of the revised statutes be and is hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,

*Speaker of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

passed February 12, 1880.

[Senate Bill No. 28.]

#### AN ACT

To authorize certain municipal corporations to construct machine shops and issue bonds therefor.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the council of any municipal corporation which by the last federal census had and those which hereafter on the first day of March in any year, as ascertained by any federal census may have a population of four thousand five hundred, is hereby authorized to contract for, and construct machine shops and purchase real estate therefor, and for that purpose to issue bonds to the amount of one hundred thousand dollars, in such denominations and payable at such times as such council shall by resolution determine. Such bonds shall be signed by the mayor, countersigned by the clerk, and attested by the corporate seal of such municipal corporation, and shall bear interest not to exceed the rate of six per cent. per annum, payable semi-annually from the date thereof.

Certain city  
(Lima) au-  
thorized to  
construct  
machine  
shops.

May issue  
bonds, etc.

Sec. 2. That any such municipal corporation may negotiate such bonds for cash, or it may deliver the same in payment of such real estate, or for the construction of

Contractor  
to give bond

machine shops; but in no case shall such bonds be disposed of at less than the par value thereof, and no contract shall be awarded until the contractor shall enter into bonds to such municipal corporation in double the amount of such contract, conditioned that such contractor shall fully perform all the obligations imposed upon him by such contract.

Council may  
lease or sell  
such  
machine  
shops.

SEC. 3. That such council is hereby authorized to lease said shops, with or without the grounds, upon which the same may be built or to be built for such terms, conditions, and reservations as may by it be determined by resolution, or such council may sell and convey said shops, with or without the ground, upon which the same are built or contracted to be built for such consideration, and upon such terms, conditions, and reservations as may by it be determined by resolution.

Electors of  
city to vote  
on proposition.

SEC. 4. That the powers herein conferred shall in no case be exercised by such council until thereto authorized by a vote of the qualified electors of such municipal corporation, taken at a general or special election held therein; that for the purpose of submitting such proposition to a vote of such electors, the clerk of such municipal corporation, upon the passage of a resolution by such council for that purpose, shall give notice of the time of holding such election, which shall be published in all the newspapers published in such city, whether English or German, at least ten days prior to the day of holding such election. Such election shall be held at the usual places of holding elections, and by the officers authorized to preside at elections in such municipal corporation. The poll-books and tally-sheets of such election shall forthwith be returned to the clerk of such municipal corporation, who, with the president of the council, shall at any regular or special meeting of such council, proceed to canvass such vote; and the clerk of such municipal corporation shall enter the number of votes cast for and against said proposition in each ward and voting precinct, and of the aggregate number of votes for and the number of votes against such proposition in such municipal corporation; and if it shall appear by the returns of such election that two-thirds of all the electors voting at such election shall have voted in favor of such proposition, such council shall be authorized to exercise the powers conferred by this act; and if two-thirds of such electors shall not have voted in favor of such proposition, such council shall not exercise the powers conferred by this act. The ballots to be voted at such general or special election shall have written or printed thereon the words, "Machine shops—yes;" "Machine shops—no."

Election,  
how held  
and conducted.

Form of ballot.

Resolution of  
council to be  
entered on  
ordinance  
book.

SEC. 5. That the resolution of such council herein provided for shall forthwith be entered by the clerk of such municipal corporation upon the ordinance book of such municipal corporation, and shall take effect upon the passage,

without publication, any provisions of the law to the contrary notwithstanding.

SEC. 6. That all contracts, agreements, or conveyances authorized by this act shall, upon the part of such municipal corporation, be signed by the mayor, countersigned by the clerk, and attested by the seal of such municipal corporation; and the council of such municipal corporation is hereby authorized to levy such tax upon the taxable property of such city, each year thereafter, as may be necessary to pay the interest on such bonds as the same may become due, and to provide a sinking fund to pay the principal of such bonds at maturity.

Contracts,  
how signed  
and attested.

Council au-  
thorized to  
make levy.

SEC. 7. That this act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of Senate.*

Passed February 16, 1880.

[House Bill No. 149.]

#### AN ACT

To amend section 3177 of the revised statutes.

Page 9  
Sec. 3177.  
Amended  
81 O.L. 104.

SECTION 1. *Be it enacted, by the General Assembly of the State of Ohio,* That section 3177 of the revised statutes be and hereby is amended to read as follows:

Section 3177. The following days, namely: the first day of January, the fourth day of July, the twenty-fifth day of December, the twenty-second day of February, and any day appointed or recommended by the governor of this state or the president of the United States as a day of fast or thanksgiving, shall, for all purposes whatsoever of presentment for payment or acceptance, and the protesting or the giving of notice of non-acceptance, or of non-payment, of all such instruments, be considered as the first day of the week; but if the first day of January, the fourth day of July, the twenty-fifth day of December, or the twenty-second day of February be the first day of the week, the succeeding Monday shall, for the same purposes, be considered as the first day of the week.

What days  
regarded as  
holidays.

SEC. 2. This act shall take effect from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed February 16, 1880.

[House Bill No. 2.]

## AN ACT

To repeal sections two thousand nine hundred and twenty-four, two thousand nine hundred and thirty-one, and two thousand nine hundred and thirty-four of the revised statutes.

Certain sections of the election laws repealed.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the said sections two thousand nine hundred and twenty-four, two thousand nine hundred and thirty-one, and two thousand nine hundred and thirty-four of the revised statutes are hereby repealed.

SEC. 2. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,

*President pro tem. of the Senate.*

Passed February 16, 1880.

[Senate Bill No. 59.]

## AN ACT

To amend section sixteen hundred and thirty-one (1631), chapter eight (8), title twelve (12), revised statutes of Ohio, 1880.

Wards how bounded and to contain nearly an equal number of inhabitants.

10,  
§1631 Am.  
84 v. 6.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section one thousand six hundred and thirty-one (1631), chapter eight, title twelve, revised statutes, be amended so as to read as follows:

Section 1631. That all wards hereafter established or changed shall be bounded by streets, alleys, avenues, public grounds, canals, water-courses, or corporation lines, and be composed of adjacent and compact territory; and the several wards, at the time of redistricting, shall contain as nearly an equal number of inhabitants as may be practicable.

SEC. 2. That this act shall take effect and be in force from and after its passage, and that said original section 1631 be and the same is hereby repealed.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,

*President pro tem. of the Senate.*

Passed February 26, 1880.

AN ACT

To apportion the state of Ohio into congressional districts, and to repeal an act therein named. (Ohio Laws, Vol. 75, p. 528.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the state of Ohio shall be divided into twenty districts for the election of representatives to congress, and each district shall choose one representative in the manner following, to wit:

First District—That so much of the county of Hamilton as is now contained within the limits of the first, second, third, fourth, fifth, sixth, seventh, eighth, ninth, tenth, eleventh, and eighteenth wards of the city of Cincinnati, as they are now constituted, and the townships of Anderson, Columbia, Spencer, Symmes, and Sycamore, and Avondale and the North-east, St. Bernard, and Bond Hill precincts of Mill Creek township shall compose the first district.

Second District—The balance of the county of Hamilton now contained within the limits of the twelfth, thirteenth, fourteenth, fifteenth, sixteenth, seventeenth, nineteenth, twentieth, twenty-first, twenty-second, twenty-third, twenty-fourth, and twenty-fifth wards of the city of Cincinnati, as they are now constituted, and the townships of Springfield, Colerain, Greene, Delbi, Miami, Whitewater, Harrison, and Crosby, and Clifton, College Hill, Winton Place, and Western precincts of Mill Creek township shall compose the second district.

Third District—The counties of Butler, Warren, Clinton, Fayette, and Clermont shall compose the third district.

Fourth District—The counties of Darke, Preble, Montgomery, and Greene shall compose the fourth district.

Fifth District—The counties of Defiance, Paulding, Putnam, Van Wert, Allen, Auglaize, Mercer, and Shelby shall compose the fifth district.

Sixth District—The counties of Williams, Fulton, Henry, Wood, Lucas, and Ottawa shall compose the sixth district.

Seventh District—The counties of Highland, Brown, Adams, Pike, and Ross shall compose the seventh district.

Eighth District—The counties of Madison, Clarke, Miami, Logan, and Champaign shall compose the eighth district.

Ninth District—The counties of Hardin, Marion, Delaware, Union, Morrow, and Knox shall compose the ninth district.

Tenth District—The counties of Hancock, Seneca, Sandusky, Erie, and Huron shall compose the tenth district.

Eleventh District—The counties of Hocking, Vinton, Jackson, Scioto, Lawrence, and Gallia shall compose the eleventh district.

Twelfth District—The counties of Franklin, Pickaway, Fairfield, and Perry shall compose the twelfth district.

Thirteenth District—The counties of Licking, Muskingum, Coshocton, and Tuscarawas shall compose the thirteenth district.

Fourteenth District—The counties of Wyandot, Crawford, Richland, Ashland, and Holmes shall compose the fourteenth district.

Fifteenth District—The counties of Meigs, Athens, Morgan, Monroe, and Washington shall compose the fifteenth district.

Sixteenth District—The counties of Jefferson, Harrison, Belmont, Guernsey, and Noble shall compose the sixteenth district.

Seventeenth District—The counties of Carroll, Stark, Columbiana, and Mahoning shall compose the seventeenth district.

Eighteenth District—The counties of Lorain, Medina, Wayne, and Summit shall compose the eighteenth district.

Nineteenth District—The counties of Ashtabula, Trumbull, Portage, Geauga, and Lake shall compose the nineteenth district.

Twentieth District—The county of Cuyahoga shall compose the twentieth district.

SEC. 2. That the act of May 15, 1878, entitled "an act to apportion the state of Ohio into congressional districts," and to repeal an act therein named, be and the same is hereby repealed; the intention and purpose of this act being to restore the apportionment of April 27, 1872.

SEC. 3. This act shall take effect from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*

R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed February 26, 1880.

[House Bill No. 11.]

#### AN ACT

To amend section 5185 of the revised statutes relative to struck juries.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 5185 of the revised statutes be amended so as to read as follows:

Section 5185. Any party to an action may demand a struck jury for the trial of an issue of fact therein by filing a precept with the clerk; thereupon the clerk, except in counties containing cities having at the federal census of 1870, or which may hereafter have, at any federal census a population of two hundred thousand or more, shall proceed to the office of the county auditor and there take to his as-

Struck jury,  
how and  
when de-  
manded and  
selected.

assistance the county auditor and recorder in the selection of the list of names for such jury, which three officers shall select from the qualified electors of the county the names of forty persons impartial between the parties, and who from their intelligence and sound judgment are believed to be well qualified to try the cause; the auditor shall make and preserve in his office a list of names so selected; and the clerk without delay shall give four days' notice to both parties, or their attorneys of record, of the time of striking the jury, and to furnish to each at the same time a true copy of such list.

In all counties containing cities having at the federal census of 1870, or which may hereafter have at any federal census a population of two hundred thousand or more, whenever a struck jury shall have so as aforesaid been demanded, the clerk shall certify the same to the presiding judge of the court in which said cause is pending; and said presiding judge shall thereupon personally, and without suggestion from any one, perform the duty of selecting the names of persons for such jury, in lieu of the clerk, auditor, and recorder; and within two days after receiving such certificate of the clerk notifying him of such demand for a struck jury, said presiding judge shall certify to said clerk the names of the persons so selected by him, and said clerk shall thereupon proceed to give the same notice and copy of list of names so selected as hereinbefore provided in all cases where a struck jury shall have been demanded.

SEC. 2. This act shall be in force from and after its passage, and section 5185 of the revised statutes is hereby repealed. •

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed February 26, 1880.

How selected  
in Hamilton  
county.

[House Bill No. 92.]

#### AN ACT

To amend section number 1104 of the revised statutes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section number 1104 of the above entitled act be so amended as to read as follows:

Section 1104. When any taxes or assessments stand charged against any land or lots, or parcel thereof, upon the general or any special duplicate (or any special duplicate of delinquent or forfeited taxes or assessments), for any pur-

13,  
§1104 Am.  
§3 v. 156.

Page 13  
Sec. 1104.  
See  
§10 O. L. 166, §5.



Treasurer may bring civil action for taxes or assessments on real estate.

Duplicate prima facie evidence of amount, validity, and non-payment.

Redemption by the owner.

pose authorized by law, and the same, or any part thereof, are not paid within the time prescribed by law for the payment thereof, the county treasurer, in addition to all other remedies provided by law, may enforce the lien for such taxes and assessments, or either, and any penalty due thereon, by a civil action in his own name, as treasurer, for the sale of said premises, in the court of common pleas of the county, without regard to the amount claimed, in the same way mortgage liens are enforced; and the said court shall, upon the application of the plaintiff, advance said cases on the docket so that the same may be first heard; and it is sufficient, having made the proper parties, for the treasurer to allege in the petition that the taxes and assessments, or either, stand charged on the duplicate or duplicates against said premises, the amount thereof, and that the same are unpaid; and he shall not be required in the petition to set forth any other or further special matter relating thereto; and said duplicate or duplicates shall be received as prima facie evidence, on the trial, of the amount and validity of such taxes and assessments, and of the non-payment thereof; and if it is found that such taxes and assessments, or any part thereof, are due and unpaid, judgment shall be rendered for the same, penalty and costs, and said premises, or so much thereof as may be necessary to pay the same, shall be, by the order of the court, sold to pay the same; and out of the proceeds of sale shall first be paid the said judgment, the balance being distributed as may be just; and the owner or owners of such property shall not be entitled to any exemption as against such judgment; and if the lands or lots have been forfeited to the state, it shall not be necessary to make the state a party, but it shall be deemed a party through and represented by the treasurer; but the owner or owners of such property have the right to redeem the same within two years from the date of sale, by paying to the holder thereof the amount he paid therefor, and for the deed, together with six per cent. interest thereon, and twenty-five per cent. on the amount of said judgment; and in such proceeding the treasurer may join in one action all the lots or lands, or any number of them embraced in any one assessment, but the decree shall be rendered severally or separately for the taxes and assessments found due; and any proceeding may be severed, in the discretion of the court, for the purpose of trial, revision, or appeal where an appeal is allowed; and the court shall make such order for the payment of costs as shall be deemed equitable and proper; the auditor may place upon a separate duplicate the forfeited and delinquent taxes and assessments for the years prior to 1879, upon the request of the treasurer, and the validity and priority of lien of such taxes and assessments shall not be affected thereby.

SEC. 2. Said original section 1104 be and the same is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
 R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed February 26, 1880.

[House Bill No. 100.]

# AN ACT

To amend sections 1700 and 1703 of the revised statutes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That sections 1700 and 1703 of the revised statutes be and the same are hereby amended so as to read as follows:

Section 1700. The trustees of hamlets shall have power to appoint from the electors of the corporation a clerk, who shall act as treasurer, and a marshal, who shall or shall not act as supervisor, as the trustees by ordinance may prescribe; but whenever the trustees of any hamlet shall, by ordinance, provide for the separation of the offices of marshal and supervisor, they shall, annually, during the continuance in force of such an ordinance, appoint from the electors of the corporation a supervisor; and the trustees shall also have power to appoint such other police officers as may be necessary; and they shall, by proper by-laws, resolutions, and ordinances prescribe the duties and compensation of the officers so appointed, and they may remove any such officer and appoint another at their discretion; and the president of the board of trustees shall have the same powers and perform the same duties as are prescribed for mayors of villages, by chapter five, division four, of this title, except that he shall receive no compensation for his services, except those allowed for similar services to justices of the peace.

Officers of  
hamlets  
other than  
trustees.

Section 1703. The marshal shall be chief of police, and have the powers of marshals in villages, and for his services as such shall receive, in addition to any salary fixed by the trustees, by ordinance, the same fees, and be paid in the same manner as marshals in other municipal corporations for like services; and for his services when he acts as supervisor, in which office he shall act under the direction of the trustees, he shall be paid out of the proper township treasury or treasuries the same compensation allowed to other supervisors; and where the offices of marshal and supervisor are separated, the supervisor shall perform his duties, be paid in the same manner, and receive the same compensation as is provided in the first part of this section for the marshal when acting as supervisor.

Duties of  
marshal; his  
fees.

SEC. 2. That sections 1700 and 1703 of the revised statutes of Ohio, passed June 20, 1879, be and the same are hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed February 26, 1880.

[House Bill No. 12.]

#### AN ACT

To amend sections 2168, 2170, and 2173, and to repeal sections 2177, 2178, 2179, and 2180 of chapter 4, division 6, title 12, part first, of "an act to revise and consolidate the general statutes of Ohio," passed June 20, 1879.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That sections 2168, 2170, and 2173, of chapter 4, division 6, title 12, part first, of an act entitled "an act to revise and consolidate the general statutes of Ohio," passed June 20, 1879, be and the same are hereby amended to read as follows :

Section 2168. The management of affairs of all corporation infirmaries now existing or which may hereafter be established, and the care of the inmates thereof, the erection and enlargement of infirmary buildings and additions thereto, and the repair and furnishing thereof, the improvement of the grounds therewith connected, and the granting of outdoor relief to the poor, shall be vested in a board of three directors, which shall be called "the board of infirmary directors."

Section 2170. The directors shall be electors, and be elected by the electors of the corporation, and shall hold their office for three years, except that at the first election one of the directors shall be chosen to serve for one year, one for two years, and one for three years, and thereafter one shall be elected annually, and the directors shall receive such compensation as the city council may, by ordinance, provide; provided, that in cities of the first grade of the first class the mayor thereof shall appoint three directors, who shall hold their offices, one for one year, one for two years, and one for three years, from the next municipal election, and thereafter one director shall be elected annually for a term of three years, as hereinabove prescribed; but if a vacancy in the office of any of said appointees shall occur from any cause other than the expiration of his term, the mayor shall appoint some suitable person to hold the office until the next

Board of infirmary directors.

Election and qualification of directors.

Page 16  
Sec. 2168.  
Amended,  
80 O.L.46.

Page 16  
Sec. 2170.  
Amended,  
80 O.L.46.

annual municipal election, when a successor shall be elected to serve for the unexpired term. The directors so appointed, and their successors, shall be paid from the infirmity fund of the cities, aforesaid, the same compensation as was heretofore allowed such officers in such cities. Each board so appointed shall forthwith enter upon the discharge of its duties, taking full control of the infirmity and providing the necessary officers and employes to properly conduct the same.

Section 2173. The council shall provide by ordinance for the appointment by the mayor, subject to the approval of the council, of such number of persons as may be deemed necessary, not to exceed one in each ward, to act as overseers of the poor, and shall prescribe the duties of such persons in relation to the care of the poor, and their removal, when necessary, to the infirmity; but such persons shall not receive any compensation for their services: provided, that in cities of the first grade of the first class the board of infirmity directors may divide such cities into districts, not exceeding six in number, bounded by ward lines, and may appoint one overseer of the poor for each of said districts. Such overseers shall act under the supervision of said board, and shall each serve such length of time, not exceeding one year, and each receive such pay, not exceeding six hundred dollars per annum, as said board shall prescribe, and they shall be subject to removal at the pleasure of said board. The said overseers shall have charge of the poor in their respective districts, and shall recommend, in writing, to the board such assistance as they may deem proper, but shall not themselves be allowed to directly furnish the assistance. Said board shall also have, in addition to the powers conferred by law upon all boards of infirmity directors, the power to appoint a superintendent, clerk, store-keeper, physician, and matron, and to prescribe their duties, fix their terms of office and compensation, and also to remove them at pleasure.

SEC. 2. That the original sections 2168, 2170, and 2173, aforesaid, and also original sections 2177, 2178, 2179, and 2180, of chapter 4, division 6, title 12, part first, of said act, entitled "an act to revise and consolidate the general statutes of Ohio," passed June 20, 1879, be and the said sections are each hereby repealed; and this act shall take effect and be in force from and after its passage.

Appoint-  
ment of over-  
seers of the  
poor.

Repealing  
certain sec-  
tions.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed February 25, 1880.

[Senate Bill No. 60.]

## AN ACT

To amend section twelve of the revised statutes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section twelve of the act entitled "an act to revise and consolidate the general statutes of Ohio," passed June 20, 1879, and took effect January 1, 1880, be so amended as to read as follows :

Vacancy in  
appointive  
state office—  
how filled.

Page 18  
Sec. 12.  
Supplem.  
80 O.L.85.

Section 12. In case of a vacancy in any office filled by appointment of the governor, by and with the advice of the senate, occurring by expiration of term, or otherwise, when the senate is in session, the governor shall appoint a person to fill such vacancy, and forthwith report such appointment to the senate; and when the senate is not in session, and no appointment has been made and confirmed, in anticipation of such vacancy, the governor shall fill the vacancy and report the appointment to the next session of the senate; and if the senate advise and consent to the same, the person so appointed shall hold the office for the full term; and if the senate do not so advise and consent, a new appointment shall be made.

SEC. 2. That said section twelve be and the same is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,

*Speaker of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Passed February 26, 1880.

[Senate Bill No. 56.]

## AN ACT

To designate more briefly the acts of the general assembly, revised and consolidated.

By what title  
revised stat-  
utes of Ohio  
designated.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the statutes contained in the two volumes published by H. W. Derby & Co., under the contract with the state of Ohio, in accordance with the provisions of the act of the general assembly, entitled "an act to provide for printing and distributing the laws of the present session and the revised statutes in permanent form, and to repeal an act therein named," passed and took effect June 23, 1879, shall, besides the titles of the several statutes in said volume

contained, be known and recognized everywhere in the state of Ohio, by the following name and title, to wit: "The Revised Statutes of Ohio."

SEC 2. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Pas-ed February 26, 1880.

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[ House Bill No. 196. ]

AN ACT

Making appropriations to meet deficiencies.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio.* That there be and is hereby appropriated from any money in the treasury to the credit of the general revenue fund, and not otherwise appropriated, the following sums, to meet deficiencies:

*For the Athens Asylum for the Insane:*

Current expenses, twenty-four thousand six hundred and four dollars (\$24,604 00).

Salaries, five hundred and twenty-five dollars (\$525.00).

*For the Columbus Asylum for the Insane:*

Current expenses, fifteen thousand and seventy-three dollars and fifty cents (\$15,073.50).

For payment of balance to Walworth manufacturing company, for heating apparatus, seven hundred and forty-two dollars and sixty-three cents (\$742.63).

*For Dayton Asylum for the Insane:*

Current expenses, ten thousand dollars (\$10,000.00).

Salaries, three hundred and sixty-six dollars and seventy cents (\$366.70).

*For Blind Asylum:*

Current expenses, six thousand dollars (\$6,000 00).

Salaries for officers and teachers, one thousand six hundred and fifty-four dollars fifty cents (\$1,654.50).

Furniture and bedding, five hundred dollars (\$500.00).

*For the Asylum for Imbecile Youth:*

Current expenses, five thousand one hundred and twelve dollars eighty-nine cents (\$5,112.89).

Salaries of officers, three hundred and fifty-two dollars fourteen cents (\$352.14).

Construction of wings to buildings, four thousand six hundred and eighty-eight dollars seventy-nine cents (\$4,688.79).

Plumbing and gas fixtures, one thousand eight hundred and eighty-four dollars (\$1,884.00).

Heating new wing of building, four thousand one hundred and twenty-eight dollars (\$4,128.00).

*For Girls' Industrial Home:*

Current expenses, two thousand five hundred dollars (\$2,500.00).

*For Ohio Penitentiary:*

Salaries of officers, one hundred and eight dollars and twenty-two cents (\$108.22).

Library, nineteen dollars and forty-six cents (\$19.46).

Manufacture of gas, four thousand four hundred and seventy-three dollars and eighty-nine cents (\$4,473.89).

Balance on new mill and wash-house, eight hundred and thirty-nine dollars and twenty-four cents (\$839.24).

Balance for building work shops, three thousand eight hundred and ninety-nine dollars and fourteen cents (\$3,899.14.)

Rewards of convicts, one thousand six hundred and eighty dollars (\$1,680.00).

*For Reform Farm School:*

Current expenses, fourteen thousand dollars (\$14,000.00).

Salaries of officers and teachers, three thousand one hundred and sixty-seven dollars and fifty cents (\$3,167.50).

Coal-house and boiler fund (deficiency), nine hundred and forty-six dollars and sixty-seven cents (\$946.67).

*For Adjutant-General's Office:*

Salary of assistant adjutant-general, one hundred and thirty-seven dollars and fifty cents, to be paid the present incumbent on his salary (\$137.50).

Salary of the chief clerk, one hundred and thirty-seven dollars and fifty cents (\$137.50).

Salary of transcribing clerk, ninety-one dollars and sixty-seven cents (\$91.67).

Salary of one additional transcribing clerk, ninety-one dollars and sixty seven cents (\$91.67).

Compensation of police officer, thirty-nine dollars (\$39.00).

Compensation of superintendent of state arsenal, thirty-seven dollars and fifty cents (\$37.50).

For balance of water rent for state house to November 1, 1879, one hundred and nine dollars and thirty-five cents (\$109.35).

Transportation of Ohio national guard to and from camp

in 1879, nine thousand three hundred and twenty dollars and sixty-eight cents (\$9,320.68).

Subsistence of Ohio national guard during encampment of 1879, twelve thousand nine hundred and thirty-two dollars and sixty-three cents (\$12,932.63).

To paying Columbus paving company balance on contract for concrete pavement in state house grounds, four hundred dollars and fifty cents (\$400.50).

*For Longview Asylum:*

For care and treatment of colored insane, two thousand seven hundred and forty-two dollars and sixty-six cents. (\$2,742.66).

*For the Legislature:*

For salary and mileage of members of the general assembly, and per diem of officers, pages, and employes of the two houses, seven thousand dollars (\$7,000.00).

Contingent expenses, seven hundred dollars (\$700.00).

*For Secretary of State:*

Contingent expenses, one hundred dollars (\$100.00).

Distribution of laws and journals, four hundred dollars (\$400.00).

For the payment of volumes thirty-three and thirty-five, Ohio state reports, seventeen hundred and fifty dollars (\$1,750.00)).

*For Toledo House of Refuge and Correction:*

For support of boys, as per contract, twenty-eight hundred and eighteen dollars and six cents (\$2,818.06).

*For the Lucas County Asylum for the Insane:*

For the care and treatment of patients, as per contracts, five thousand three hundred and eighteen dollars and seventy-nine cents (\$5,318.79).

*For Judiciary:*

Salaries of the supreme, superior, and common pleas judges, fifteen thousand dollars (\$15,000.00).

*For Salaries of State Officers:*

Salaries of state officers, thirteen hundred dollars (\$1,300.00).

*For State Library:*

Shelving and repairs in newspaper room, two hundred dollars (\$200.00).



*For Board of State Charities:*

Salary of secretary and expenses of board, four hundred dollars (\$400.00).

*For Supervisor of Public Printing:*

State binding, five thousand dollars (\$5,000.00).

State printing, three thousand dollars (\$3,000.00).

Incidental expenses, fifty dollars (\$50.00).

Deaf and dumb printing office, fifty dollars (\$50.00).

Printing and binding revised statutes, four thousand six hundred and eighty one dollars and six cents (\$4,681.06).

For publishing constitutional amendments (to be paid for on the minion scale of measurement, as given to the house in the report of the supervisor of public printing in answer to house resolution number forty-nine, passed February 3, 1880), thirty thousand dollars (\$30,000.00).

*Miscellaneous:*

For contingent expenses of railroad commissioner, eighty dollars (\$80.00).

Contingent expenses of supreme court, one hundred and fifty dollars (\$150.00).

Contingent expenses of agricultural board, fifty dollars (\$50.00).

To reimburse the Ohio university moneys expended in paying the reasonable and necessary expenses of the trustees while engaged in the discharge of their official duties, five thousand one hundred and fifty dollar and ninety cents (\$5,150.90).

Contingent expenses of mine inspector, two hundred dollars (\$200.00).

Contingent expenses of law library, twenty-five dollars (\$25.00).

Contingent expenses of office of supreme court, twenty-five dollars (\$25.00).

Contingent expenses of auditor of state, one hundred dollars (\$100.00).

*For Attorney-General:*

For payment of council fees allowed to Hon. George L. Converse and L. J. Critchfield, by the governor, auditor of state, and attorney general, in the case of "The State vs. Hurd et al.," three hundred dollars (\$300.00).

For payment of counsel fees allowed to Hon. John Little, by the governor, auditor of state, and attorney-general, in the case of "The State vs. George et al.," six hundred dollars (\$600.00) and the appropriation herein made for attorney's fees shall be in full for all services up to this date.

*For Superintendent of Insurance:*

Contingent expenses, two hundred dollars (\$200.00).

*For Ohio Soldiers' and Sailors' Orphans' Home.*

Salaries, three thousand five hundred dollars (\$3,500.00).

For making buildings fire-proof, three thousand dollars (\$3,000.00).

Industrial pursuits, one thousand dollars (\$1000.00).

*For Treasurer of State:*

Collecting drafts, eleven hundred and two dollars and twenty cents (\$1,102.20),

*For Board of Public Works:*

To pay A. Taft & Son attorney fees for services rendered, and expenses from 1873 to 1877, in recovering land at Cincinnati, twelve hundred dollars (\$1,200.00).

To pay W. M. Bateham, for attorney fees, in the case of "Ohio vs. Whitestone," in 1874, two hundred and fifty dollars (\$250.00).

To pay W. T. Forest attorney fees, in case of "Board of Public Works vs. Cincinnati," two hundred dollars (\$200.00), and the appropriations herein made for attorney's fees shall be in full of all claims for fees to this date.

Sec. 2. This act shall take effect on its passage.

JOHN A. WILLIAMSON,

*Speaker pro tem. of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Passed February 27, 1880.

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[Substitute for Senate Bill No. 19.]

## AN ACT

To amend certain sections of subdivision one, chapter five, division five, title twelve; and also to amend section 2141 of chapter one, division six, title twelve, of the revised statutes of Ohio, and to repeal certain sections therein named.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That sections 1870, 1874, 1875, 1876, 1877, 1878, 1879, 1881, 1882, 1885, 1886, 1887, 1888, 1889, 1891, 1892, 1893, 1894, 1895, 1896, 1897, 1898, 1899, 1900, 1901, 1902, 1903, 1904, 1905, 1906, 1910, 1911, 1912, 1913, 1914, 1917, 1920, 1921, 1922, 1923, of subdivision one, chapter five, of the fifth division, title twelve; and section 2141, chapter one of the sixth division, title twelve, be so amended as to read as follows:

24, § 1870.  
Am.  
82 v. 101.

**Police powers and duties vested in mayor.**

Section 1870. All police powers and duties connected with, and incident to, the appointment, regulation, and government of a police force, in cities of the first grade of the first class, shall be vested in the mayor thereof.

24, § 1875.  
Am.  
82 v. 102.

**Mayor to make rules for government.  
Mayor to appoint police force.**

Section 1874. The mayor shall have power to make and publish, from time to time, orders, rules, and regulations, for the government, discipline and duties of the police force.

Section 1875. The mayor shall appoint the police force, and possess full power and authority over the police organization, government and discipline, within such city; and shall, moreover, have possession and control of all property, books, records, and equipments belonging to or under the control of the police authorities.

24, § 1876.  
Am.  
82 v. 102.

**Mayor to have power to call military in aid of civil authorities.**

Section 1876. The mayor is hereby invested with, and shall hereafter exercise all the powers now conferred by law upon mayors of cities and sheriffs of counties in respect to requiring the services of the military in aid of the civil authorities to quell riots, suppress insurrection, protect property, and preserve public tranquility; and such investiture of power shall exclude within such city the exercise of similar powers by the sheriff of the county in which such city is situated.

24, § 1877.  
Am.  
82 v. 103.

**Temporary increase of police force in certain cases.**

Section 1877. In case of riot or insurrection, or any like emergency, within said city, which, in the judgment of the mayor, requires the intervention of the police force, he shall have power to call out the whole force, and control the same during said emergency. And in case of any emergency in such city, which, in the judgment of the mayor, requires a temporary increase in the numbers of the police force of such city, such mayor shall have the power to appoint as many other patrolmen, or officers, as he may deem necessary, to serve as long as such emergency may exist, not exceeding five days.

24, § 1878.  
Am.  
82 v. 103.

**Duties of mayor and police force.**

Section 1878. It shall be the duty of the mayor and of the force hereby constituted, at all times of the day and night, within the boundaries of said city, to preserve the public peace, to prevent crime and arrest offenders, to protect rights of persons and property, to guard the public health, to preserve order, to remove nuisances existing in the public streets, roads, places, and highways, to report all leaks or other defects in water pipes and sewers to the proper authorities, to provide a proper force at every fire, in order that thereby the fireman and property may be protected, to protect strangers and travelers at steamboat and ship landings and railway stations, and generally to obey and enforce all ordinances of the council, criminal laws of the state and United States.

Section 1879. The police force shall be composed of a superintendent of police, an inspector of police, whose duty it shall be to act under the direction of the superintendent of police as his deputy or assistant, and perform such other service as may be required of him by the mayor or the super-

**Police force—how constituted and organized.**

intendent of police; so many lieutenants of police, not to exceed twenty; so many police court officers and station house keepers as may be necessary, and so many watchmen or patrolmen, not to exceed three hundred; and the mayor shall appoint a clerk of the police department and such other assistants as may be necessary.

Section 1881. All appointments on the police force, and of a police clerk, and his assistants, shall be during good behavior and the pleasure of the mayor; but the appointment of the police clerk and his assistants shall be approved by the board of public works of such city.

Section 1882. Each officer and member of the police force, also each private policeman, special policeman, and substitute policeman, before entering upon the discharge of his duties, shall take an oath before the mayor, who is hereby empowered to administer the same, to well and faithfully discharge the duties of his office. Said oath shall be subscribed to by the person taking it, and shall be filed and preserved in the office of the mayor. The said superintendent of police shall give a bond in the sum of twenty thousand dollars; each lieutenant shall give a bond in the sum of four thousand dollars; and each patrolman shall give a bond in the sum of one thousand dollars; said bonds shall each have two sureties, and shall be conditioned on the faithful discharge of the duties of the principal, and for the payment of any damages that may be adjudged against such principal by any competent tribunal for the illegal arrest or imprisonment, or injury by him, of any person; the clerk of the police department shall give a bond, with two sureties, in the sum of ten thousand dollars, and each assistant shall give bond, with two sureties, in the sum of twenty-four hundred dollars, conditioned on the faithful discharge of the duties of the principal. All of the bonds provided for herein shall be approved by the mayor and the city solicitor by indorsement thereon. Said bonds, except that of the clerk, shall be filed with the said clerk; the said clerk's bond shall be filed with the city clerk. And the taking of said oaths and the giving of said bonds shall be conditions precedent to appointment under this act.

Section 1885. The mayor shall have power to detail members of the regular force to act as secret detectives, who shall be under the control of the mayor and the superintendent; and such secret detectives may be allowed, as extra compensation, in any one year, a sum not exceeding one hundred dollars each.

Section 1886. The mayor may appoint a sufficient number of substitutes to fill the vacancies occasioned by the absence of any members of the force, who shall receive compensation only for the time they serve, and the amount of such compensation shall be deducted from the pay of the absent member.

Section 1887. The mayor is hereby authorized to appoint

Appoint-  
ments to be  
during good  
behavior.

25, § 1881.  
Am.  
82 v. 103.

Oath of office  
and members  
of police  
force.

25, § 1882.  
Am.  
82 v. 103.

Bond requir-  
ed of officers  
and mem-  
bers.

Clerk of po-  
lice depart-  
ment and as-  
sistants to  
give bonds.

Secret detec-  
tives.

25, § 1885.  
Am.  
82 v. 104.

Substitutes.

25, § 1886.  
Am.  
82 v. 104.

25, § 1887.  
Am.  
82 v. 104.

**Special patrolmen or policemen.**

persons of suitable character, who may be in the employment of the city, in other branches or departments, special patrolmen or policemen; but such special policemen shall not be paid for their services, as policemen, either from the police fund, or the city or county treasury; and such policemen shall possess the same power as the regular patrolmen, and shall obey the rules and regulations of the force, and conform to its general discipline.

36, § 1888.  
Am.  
82 v. 104.

**Mounted policemen.**

Section 1888. The mayor shall, upon the passage of an ordinance or resolution, and the making an appropriation therefor, and in conformity with such resolution or ordinance by the common council of such city, employ and equip mounted policemen, in such manner, for such compensation, and for such district within the corporate limits of such city as shall be prescribed by the common council thereof.

36, § 1889.  
Am.  
82 v. 104.

**Uniforms and badges.**

Section 1889. Every member of said police force, while on duty, shall wear an uniform to be prescribed by the mayor, and shall at all times, in public, wear a badge of his office, to be furnished by the mayor.

36, § 1891.  
Am.  
82 v. 104.

**Duties of mayor and force at primary and other elections.**

Section 1891. The mayor shall detail on the day of any primary or other election in such city, one or more patrolmen, as he may deem necessary, to each election poll, provide ballot-boxes for use at any and all such elections, and to see that the arrangement for voting at such polls are such as to prevent any avoidable crowding of voters, and that the challengers of all parties have fair and equal room, rights, and privileges for the discharge of their duties at such polls, and that the judges of the election at such polls are fully protected from any and all interference with the counting of the votes in a legal orderly, open, and public manner, and to provide for the custody of said ballot-boxes at all times, except during the taking, receiving, and counting of the votes, and such city shall pay the expenses of procuring and taking care of said ballot-boxes; but in case any officer or member of the police force shall participate in any such primary or other election except by casting his vote and performing the duties herein imposed, or in case any such officer or member shall solicit votes or electioneer for any candidate for any political office or position, or shall be a candidate for or a member of any political convention, he shall be summarily dismissed from his office or position by the mayor; and in case the mayor shall influence or control, or attempt to influence or control, any of the officers or members of the police force in his choice of candidates, or in the casting of his vote, at any such primary or other election, or in case he shall neglect or refuse to dismiss any officer or member violating the above provision, such mayor shall be deemed and held to be guilty of malfeasance in office, and shall be subject to removal from office, as provided in sections 1732, 1733, 1734, 1735, and 1736 of the revised statutes.

36, § 1892.  
Am.  
82 v. 105.

Section 1892. The fund required for all purposes in carrying out the provisions of this sub-division shall be an-

nually estimated by the mayor and reported to the auditor of such city, on or before the first Monday in May in each year, who shall record and file the same, and submit it to the committee on finance of the common council of such city, together with an ordinance levying a tax therefor, for the year commencing March the first thereafter.

Section 1893. And such common council is hereby required to levy and cause to be collected such tax, or such amount thereof as it shall by ordinance prescribe as necessary, in the same manner as other taxes are now or may hereafter be levied and collected in such city; and said funds so estimated, levied, and collected shall be certified to the treasurer of such city, by the auditor of such city, as the police fund, and shall be held by such treasurer as other city funds, subject only to the order of the mayor and the council, as herein provided. And any interest derived from the deposit of said fund shall be credited to the police fund.

Section 1894. For all expenses incurred by the mayor, such as advertising, printing, stationery, postage stamps, telegrams, fuel, lights, feeding prisoners, clubs, whistles, badges, repairs, rent, and such other incidental expenses as may be necessary to carry out the provisions of this subdivision, subject to the restrictions herein provided, the mayor shall have power to appropriate money to pay the same out of the police fund, and thereupon an order, signed by the mayor and countersigned by the clerk of the police department, shall be drawn upon the city auditor, payable to the person or persons to whom said sum or sums may be due, specifying the purposes for which said appropriation was made, and the said city auditor shall immediately draw his warrant upon the city treasurer; provided, that there be any money in the city treasury to the credit of said fund payable to such person or persons in whose name said order was drawn, and the said treasurer shall pay the same out of the police fund, and the clerk of the police department shall make an itemized statement to the council at the end of each and every month of the amount so expended and to whom paid.

Section 1895. The officers and members of such police force shall receive such compensation as shall be fixed by the common council: provided that the superintendent of police shall not receive a salary exceeding twenty five hundred dollars (\$2500) eight hundred dollars of which sum shall be paid by the county in which such city is situated. The inspector of police shall receive a salary not exceeding fifteen hundred dollars (\$1,000), lieutenants not exceeding nine hundred dollars (\$900), police court officers not exceeding eight hundred dollars (\$800), patrolmen not exceeding eight hundred dollars (\$800), and station-house keepers not exceeding six hundred dollars (\$600), per annum, each; and the clerk of the police department shall receive a salary not exceeding fifteen hundred dollars, and such assistants as may

Estimate for police purposes, how and by whom made.

Duty of council with respect to levying tax.

27, § 1893.  
Am.  
82 v. 105.

Power of mayor to appropriate money for expenses, etc.

27, § 1894.  
Am.  
82 v. 105.

Compensation of officers and members of force.

**SLIP**  
Page 27  
Sec. 1895.  
77 O.L. 92.  
79 O.L. 132.

be necessary, a salary not exceeding one thousand dollars, each, per annum.

How paid.

28, § 1896.  
Am.  
82 v. 106.

Section 1896. The compensation of the members of the police force shall be payable semi-monthly. The clerk of the police department shall semi-monthly draw his warrant, attested by the mayor, countersigned by the clerk of the police department, in favor of each member of the police for the amount of salary due him, which shall, be presented to the city auditor, who shall thereupon draw his warrant therefor upon the city treasurer: provided, that there be any money in the city treasury to the credit of the police fund, payable to such member, and such treasurer shall pay the same.

Presents,  
fees, etc., to  
members of  
force pro-  
hibited.

28, § 1897.  
Am.  
82 v. 106.

Section 1897. No member of the police force shall receive, or share in for his own benefit, under any pretense whatever, any present, fee, gift, or emolument for police services, other than the regular salary and pay, except by the consent of the mayor and superintendent, publicly given; nor shall any member share in or receive any fee, gift, or reward from any person who may become bail for any arrested, accused, or convicted person, or who may become surety for any such person on error to the judgment or decision of any court or magistrate, or any fee, gift, or reward in any case from an attorney-at-law, who may prosecute or defend any person arrested or prosecuted for any offense within the county within which such city may be situated; nor shall any such member, either directly or indirectly, interest himself, or interfere in any manner whatever, in the employment of any attorney to aid in the defense of any person arrested or accused; and for any violation of either of the foregoing provisions, the person so offending shall be immediately removed from the police force.

Expenses of  
detecting  
crime and  
arresting  
criminals,  
how paid.

28, § 1898.  
Am.  
82 v. 106.

Section 1898. The actual and necessary expenses incurred by any member of such police force, in serving or executing any process or subpoena in a criminal case, or in detecting or endeavoring to detect, discover or arrest any perpetrator of crime against the laws of the state, or to discover or reclaim any property feloniously stolen, concealed, or carried away, when directed to do so by the superintendent, or the mayor, or by the prosecuting attorney of the county in which such city may be located, shall be a charge against said county. The amount of such expense shall be made out in items and in detail, and verified by the oath of the party to whom the same is due, to the effect that the sums therein charged have been actually paid out by him, and shall not include any items of transportation expenses in cases wherein transportation had been furnished to the party gratuitously and without pay by him, under whatever circumstances such free transportation may have been given, and when such bill has been audited and certified by the mayor, it shall be presented to the board of commissioners of the

county, and shall be by them audited and paid, as other county expenses are audited and paid.

Section 1899. The common council shall provide, when it shall be required, at the expense of the city, all necessary accommodations within such precincts as shall be contained within the boundaries of such city, for the station house required for the accommodation of the police force of such precinct, for the lodging of vagrant or disorderly persons, and for the temporary detention of persons arrested for offenses or held as witnesses.

Station houses. § 1899.  
Am.  
82 v. 106.

Section 1900. The power of purchasing lands for police purposes, and the supervision and control of the erection, building, altering, or repairing any of said station houses or buildings, shall be vested in the common council, and all expenses incurred for the above purposes shall be paid out of the police funds of said city, upon appropriations by such council.

Power to buy lands and erect buildings for police purposes vested in council. § 1900.  
Am.  
82 v. 106.

Section 1901. At least ten days' notice shall be given, in some newspaper of general circulation in such city, of the reception of proposals for the performance of any contract exceeding five hundred dollars in amount, and such contract shall be awarded to the best and lowest bidder, who shall furnish satisfactory security for the performance of the same; and no officer or employe of the department shall be interested in any contract connected with the police department.

Notice where contract exceeds five hundred dollars. § 1901.  
Am.  
82 v. 107.

Section 1902. Whenever any member of the police force, in actual performance of his duty, shall become bodily disabled in consequence of the performance of such duty, he shall continue to draw his regular salary, at the discretion of the mayor, for a period not to exceed two months.

Continuation of pay of disabled members of force. § 1902.  
Am.  
82 v. 107.

Section 1903. The mayor is hereby authorized to create a police relief fund, by assessing on each member of the police force, a sum to be deducted from the monthly pay of each member, not exceeding fifty cents per month. The sum so fixed and deducted shall be by the clerk of the department paid into the city treasury, to the credit of the police relief fund, and shall be used exclusively to relieve members of the police force when sick or disabled from the performance of duty, for funeral expenses, relief of their families in case of death, or for pensions when honorably retired from the force: provided, that whenever a police relief fund has been created and an organization had under existing laws, said organization shall continue to act, and said fund shall be controlled, managed, and used accordingly, but shall hereafter be subject to the provisions of this act and sections 1904, 1905, and 1906 of this chapter.

Police relief fund. § 1903.  
Am.  
82 v. 107.

Section 1904. All fines and forfeitures from policemen, all rewards, fees, proceeds of gifts, and emoluments that may be allowed by the mayor to be paid and given for, or on account of any extraordinary service of any member of the police force, and all money arising from the sale of unclaimed property or money, after deducting expenses incident

Fines, forfeitures, etc., to be paid to credit of police fund. § 1904.  
Am.  
82 v. 107.



**Mayor to be trustee of said fund.**

thereto, shall be paid into the city treasury to the credit of the "police relief fund." The mayor shall be trustee of said fund, and shall invest the same, from time to time, when there is a surplus, in United States bonds, bonds of the state of Ohio, or bonds of such city, or bonds of the county in which such city is located.

**30, § 1905.  
Am.  
82 v. 107.**

**Members of force to make rules for payment of relief fund.**

Section 1905. The members of the police force of such city shall make such rules and regulations as to the disbursement of said police relief fund to the members, as they may deem proper, such rules and regulations to be approved by the mayor; and the members of such police force, each having one vote, shall elect annually, on the first Wednesday after the first day of January in each year, a board of seven members from their own number, to be known as the board of directors of the police relief fund, to whom shall be entrusted the entire management of said fund and its disbursements, subject to the approval of the mayor, as hereinbefore provided.

**Board of directors of relief fund.**

**30, § 1906.  
Am.  
82 v. 107.**

**Organization and duties of relief fund board.**

Section 1906. Said board shall organize by electing a president and secretary, and no payment of any money shall be made from said relief fund, save for investment by the mayor as hereinbefore provided, except upon the order of said board of directors, upon the order of its president, countersigned by the secretary, and then approved by the mayor. Members who have resigned, or been dismissed from the force, shall have no interest in or claim on such fund; and members who may be honorably retired from the force, shall only have such interest in said fund as may be fixed in the rules and regulations in relation to said fund by the board of directors.

**30, § 1910.  
Am.  
82 v. 108.**

**Duties of police on commission of crime.**

Section 1910. Whenever any crime shall be committed in said city, whether the person or persons accused or suspected of being guilty shall flee from justice or not, the superintendent of police shall immediately report to the chief of detectives all facts which may have come to his knowledge concerning the offense, or the accused or suspected parties; and the mayor may, in his discretion, authorize any person or persons belonging to the police force to pursue and arrest such accused or suspected person or persons, and return them to the proper criminal court having jurisdiction of the offense for trial.

**30, § 1911.  
Am.  
82 v. 108.**

**Powers of mayor and superintendent of police to issue warrants.**

Section 1911. The mayor and superintendent of police shall each have power to issue criminal warrants in all cases upon the complaint of any person on oath, making the same returnable before the judge of the police court of such city, and they may each commit for examination.

**30, § 1912.  
Am.  
82 v. 108.**

**Mayor and chief of police department to issue subpoenas.**

Section 1912. The mayor and the clerk of the police department shall each have power to issue subpoenas, attested in the name of the mayor, to compel the attendance of witnesses upon any proceeding authorized by this subdivision, and by the rules and regulations of the mayor; and witnesses for whom such subpoenas shall be issued shall

be entitled to the usual fee prescribed for witnesses. The mayor, the superintendent, and the clerk of the police department are hereby authorized and empowered to administer affirmations and oaths to any person summoned and appearing in any matter or proceeding authorized as aforesaid, or to take any deposition necessary to be made under the rules and regulations of the mayor, or for the purposes of this subdivision, and in case any person subpoenaed under this section shall fail or refuse to obey such subpoena, or refuse to take, when required, the proper oath or affirmation, or to answer any proper question, the mayor shall have the same power to compel attendance and punish disobedience as justices of the peace in like cases.

Section 1913. Upon complaint being made on oath that any personal property has been stolen or embezzled, and that the complainant believes that such property is concealed in any particular house or place in such city, or within four miles of the corporate limits thereof, the mayor, if he is satisfied that there is reasonable ground for such suspicion, may issue a warrant to search for such property, which warrant shall be directed to some officer of the police force, and shall command him to search the place where such property is suspected to be concealed (which place shall be designated, and the property particularly described in such warrant), and to bring such stolen property before the judge of the police court, and upon the return of such warrant to such judge of the police court, he shall proceed thereon in like manner as if such warrant had been by him issued. No fees shall be allowed for the issue or execution of the warrants aforesaid.

Mayor may  
issue search  
warrants.

§ 1, § 1913.  
Am.  
82 v. 108.

Section 1914. All stolen or other property recovered by the members of the police force shall be deposited and kept in a place designated by the mayor. Every such article of property shall be entered in a book kept for that purpose by the clerk of the police department, together with the name of the owner, if ascertained, and the name of the place where found, and of the person from whom taken, with all the general circumstances and the date of its receipt, and the name of the officer recovering the same. An inventory of all money or other property shall be given to the party from whom the same was taken; and in case the same shall not, within thirty days after such arrest and seizure, be claimed by any person or persons, it shall, unless otherwise ordered by the mayor, be delivered to the person from whom the same was taken, and to no other person, either attorney, agent, factor, or clerk, except by special order of the mayor; and in case said money or property is, within thirty days, claimed by any other person or persons, it shall be retained by said custodian until after the discharge or conviction of the person from whom the same was taken, and so long as the same may be required in evidence in any case in court, and if such claimant or claimants shall establish, to the satisfaction of the police judge, that he or they are the rightful owners,

Stolen prop-  
erty recover-  
ed, how kept.

§ 1, § 1914.  
Am.  
82 v. 108.

Record  
thereof to be  
kept.

Inventory to  
be taken.

the same shall be restored to him or them; otherwise it shall be returned to the accused personally, and not to any attorney, agent, factor, or clerk of such accused person, except upon special order of the mayor, after all liens and claims in favor of the mayor and the city, against the same shall have first been discharged and satisfied.

**Section 1917.** The superintendent of police, and the lieutenants of police within their districts, shall possess powers of general supervision and inspection over all pawnbrokers, junk shop keepers, cartmen, hackmen, dealers in second hand merchandise, intelligence office keepers, and auctioneers within such city, and in the exercise and in furtherance of said supervision may, from time to time, detail members of the police force to fulfil such special duties in the aforesaid premises, as may from time to time be ordered by the mayor.

**Section 1920.** Whenever the mayor ascertains, or shall receive satisfactory information that any house, room, or premises within such city, or within four miles of the corporate limits thereof, is being kept or used as a common gaming house, or common gaming premises, for therein playing for wagers of money at any game of chance, or if the same is kept or used for any lewd or obscene public amusement, or the deposit or sale of lottery tickets or lottery policies, it shall be lawful for the mayor, and it shall be his duty, to authorize and direct the superintendent, or any other officer of the police force, to enter such house room, or premises, and forthwith arrest all persons therein found offending against any law, and seize all implements of gaming, lottery tickets and lottery policies, and convey any person or persons so arrested before the judge of the police court, and bring the articles so seized to the office of the mayor.

**Section 1921.** It shall be the duty of the superintendent of police to cause such arrested persons to be vigorously prosecuted, and such seized articles to be destroyed. And the mayor shall cause the owner of such house, room, or premises, his agent, attorney, or representative, to be notified in writing that such house, room, or premises is being used for an unlawful purpose, and it shall be the duty of such owner, agent, attorney, or representative to cause the use of such premises for such unlawful purpose to cease.

**Section 1922.** If any owner, agent, attorney, or representative neglects or refuses, or fails to use diligence, to cause the use of the premises for such unlawful purposes to cease, as provided in the preceding section, within a reasonable time, to the satisfaction of the mayor, he shall, upon conviction thereof, for the first offense be fined not less than fifty dollars nor more than two hundred and fifty dollars, and shall be committed until the fine and costs are paid; and for the second or any subsequent offense he shall, upon conviction, in addition to the fine, be imprisoned in the county jail not less than fifteen days nor more than three months.

33, § 1917.  
Am.  
82 v. 109.

Superintendents and lieutenants to have supervision over pawnbrokers, etc.

33, § 1920.  
Am.  
82 v. 110.

Duty of mayor in relation to gambling houses.

33, § 1921.  
Am.  
82 v. 110.

Duty of superintendent of police as to arrested persons, and property seized.

33, § 1922.  
Am.  
82 v. 110.

Penalty for failure to cause unlawful use of premises to cease.

**Section 1923.** Whenever the mayor ascertains, or shall receive satisfactory information that there is any prohibited gaming table, or other gaming device, kept or used in such city, the mayor shall have power to issue, and it shall be his duty forthwith to issue a warrant, directed to the superintendent of police, or some other officer of the police under him, to seize and bring before the mayor such gaming table or other gaming device. The officer charged with the execution of such warrant, shall have power to break open doors for the purpose of executing the same, and for that purpose may have the assistance of the whole police force. And it shall be the duty of the mayor, before whom any such prohibited gaming table or gaming device shall be brought, to cause the same to be destroyed, by burning or otherwise.

**Order to  
seize gaming  
table or de-  
vices.**

**33, § 1923.  
Am.  
82 v. 110.**

**SEC. 2.** That section 2141, of chapter one, division six, title twelve, of the revised statutes of Ohio, be so amended as to read as follows:

**Section 2141.** In cities of the second grade of the first class, and cities of the first grade of the second class, there shall be no board of health, but the boards of police commissioners thereof shall exercise all the powers, and perform all the duties required of the boards of health, and mayors in this chapter: provided, that in cities of the first grade of the first class, the officers and appointees now holding appointments from the board of police commissioners of such cities, and performing duties under chapter one, division six, title twelve, of the revised statutes relating to the health department, shall continue to perform the duties of their respective positions and receive their present rate of compensation, until the establishment and appointment by the council of a board of health, according to law: provided, further, that said officers and appointees shall not so continue in the performance of said duties, or the receipt of compensation, for a period longer than sixty days from the passage hereof; and all funds now in the city treasury, or due or to become due to the city for sanitary purposes, shall be subject to the control of the council, or of the board of health, as council shall prescribe.

**Police com-  
missioners in  
certain cities  
to act as  
board of  
health.**

**Page 33  
Sec. 2141.  
77 O.L.89.  
78 O.L.117.**

**SEC. 3.** That the council of cities of the first grade of the first class shall provide by ordinance for the appointment of such market-masters and market police, and the employment of such force of laborers as may be necessary for the proper control and care of all markets and market-houses, and shall also provide for raising, by taxation, the necessary funds for defraying the expenses of carrying the provisions hereof into execution, and for properly conducting and regulating the markets and constructing and maintaining the market-houses: provided, that the market-masters, market police, and laborers, now holding appointments and in the employ of the board of police commissioners of such cities, shall continue to perform the duties of their several positions and receive their present rate of compensation, for a period

**Council to  
provide by  
ordinance  
for appoint-  
ment of mar-  
ket-masters,  
market po-  
lice, labor-  
ers, etc.**

of not exceeding sixty days from the passage hereof: provided, further, that all funds now in the city treasury, or due or to become due to the city for market purposes, shall be subject to the control of the council, or of such board or officers as the council shall designate.

SEC. 4. That sections 1870 to 1923, inclusive, excepting sections 1880, 1890, 1915, 1916, 1918, and 1919, of said revised statutes of Ohio, and that section 2141 thereof, be and the same are hereby repealed.

SEC. 5. That this act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed February 27, 1880.

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[Senate Bill No. 15.]

#### AN ACT

To amend section 1693 revised statutes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section sixteen hundred and ninety-three, revised [statutes] of Ohio, be so amended as to read as follows:

Section 1693. Ordinances, resolutions, and by-laws shall require for their passage or adoption the concurrence of a majority of all the members elected, except in case of a single vacancy in the members by death, resignation or otherwise, and such vacancy, by neglect or omission of the council or mayor shall not be filled as provided in section 1713, revised statutes, in which case they shall require a majority of the members qualified to vote thereon until such vacancy be filled according to law, and the vote on their passage or adoption shall be taken by yeas and nays and recorded in the journal; and no contract, agreement, or obligation shall be entered into except by an ordinance or resolution of the council, nor any appropriation of money for any purpose be made except by an ordinance, every ordinance appropriating money shall contain an explicit statement of the uses and purposes for which the appropriation is made; the power or authority to make a contract, agreement, or obligation to bind the corporation, or to make an appropriation shall not be delegated; and every contract, agreement, or obligation, and every appropriation of money made contrary to the provisions of this section shall be void as against the corporation, but binding on the person or persons making it; but this section shall not be construed to impair the power of the board of public works, "city com-

Adoption of  
ordinances,  
etc.

missioners" in any city to make contracts, or impair the power to contract whenever elsewhere given in this title, or to delegate the power to execute such contracts.

SEC. 2. That said original section 1693 be and the same is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
 R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed February 27, 1880.

[Amended House Bill No. 3.]

#### AN ACT

To amend sections 2205, 2206, 2207, 2228, and 2231 of the revised statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 2205 of the revised statutes be amended so as to read as follows:

Section 2205. In cities of the first grade of the first class, there shall be a board of public works composed of five members, electors of such city, to be appointed by the mayor thereof, one for one year, one for two years, one for three years, one for four years, and one for five years from the date of such appointments respectively; and at each annual municipal election occurring after one year from the date of said appointments by the mayor, a successor of the member whose term expires shall be elected by the electors of any such city to serve for the term of five years, and the members shall serve until their successors are elected and qualified.

SEC. 2 That section 2231 of the revised statutes be amended so as to read as follows:

Section 2231. The board of public works herein provided for shall have all the powers and perform all the duties heretofore conferred upon or required of the board of city commissioners by any law now in force, and such board of public works shall be considered in all respects the successor of said board of city commissioners which is hereby abolished, and no pending resolution or ordinance heretofore recommended to the common council by the city commissioners, or which shall hereafter be recommended by the board of public works and amended in council, shall take effect until approved by said board of public works; and no resolution or order in which the expenditure of money is involved, ordinance or resolution, or order for the expendi-

Appoint-  
 ment of  
 board of pub-  
 lic works.

Successor to  
 board of city  
 commission-  
 ers.

35,  
 §2231 Am.  
 83 v. 173.

No ordinance or resolution of council for the expenditure of money to take effect until approved by four members of board.

ture of money, no contract for the payment of money, or for granting any franchise or creating any right, or for the purchase, lease, sale, or the transfer of property which shall have passed the common council, except such as levying special taxes for the improvement of the streets shall take effect until approved by four members of the board, and for such final approval every such ordinance, resolution, order or contract shall be submitted to the board, after being approved by the mayor, or after being recommended and passed by the council, if disapproved by the mayor.

SEC. 3 That section 2228 be so amended as to read as follows:

Section 2228 A member of the board may be removed from office for incompetency, inefficiency, neglect of duty, or unfaithfulness of trust, by a vote of two thirds of all the members elected to the board of aldermen of any such city, and any vacancy in the board which occurs otherwise than by the expiration of the term for which a member was appointed or elected, shall be filled by appointment to be made by the mayor of any such city for the unexpired term to which such member was appointed or elected.

SEC. 4 That section 2206 of the revised statutes shall be so amended as to read as follows:

[Section 2206.] Each member shall give bond with at least three sureties in the sum of fifty thousand dollars, conditioned for the faithful performance of his duties, which sureties shall each be required to take an oath that he is worth the amount of the bond above all liabilities, and such bond shall be approved by the mayor and city solicitor.

SEC. 5. That section 2207 of the revised statutes be amended to read as follows:

[Section 2207.] The members of the board shall devote their entire time and attention to the duties of the office, and shall each receive as compensation a salary of three thousand dollars per annum; and each member of such board shall personally supervise the cleaning, repairing and improvement of the streets, alleys, avenues, lanes, public wharves and landings, market houses and spaces, bridges, sewers, drains, ditches, and culverts, in one of the districts into which such city may have been divided.

SEC. 6. The title of said chapter two, of division seven, of title twelve, of the revised statutes is hereby amended to read "Board of Public Works."

SEC. 7. That sections 2205, 2206, 2207, 2228 and 2231 of the revised statutes be and the same are hereby repealed.

SEC. 8. This act shall take effect on its passage.

THOS. A. COWGILL,

*Speaker of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Passed March 3, 1880.

36,  
§2228 Am.  
83 v. 173.

How and for what cause member of board may be removed.

Vacancies, etc.

36,  
§2206 Am.  
83 v. 173.

Bond of members of board.

36,  
§2207 Am.  
83 v. 173.

Time members to devote to duties.

Salaries and individual duties.

Sections repealed.

[Senate Bill No. 20.]

## AN ACT

To amend section 4904, chapter ten, title seven of the revised statutes of Ohio, relating to the repair of improved roads. (R. S., p. 1196.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section four thousand nine hundred and four of the revised statutes of Ohio be amended so as to read as follows :

Section 4904. The board of turnpike directors shall adopt regulations as to burdens which may be transported over such roads, and prescribe the width of tire on vehicles used by any persons in transporting heavy loads over the same, and cause such regulation to be recorded. Such width of tire shall not be required to exceed five and one-half inches, and the county commissioners of each county shall constitute a board of directors for their respective counties, within the meaning of this section, with power to regulate burdens that may be transported over such roads in their respective counties, and fix the width of tire, not exceeding five and one-half inches, of vehicles used in transporting heavy loads over the same; and upon complaint of any resident freeholder of such county, and if, in the opinion of the board, any of such regulations have been violated, said board shall prosecute any person or persons who may violate the same in an action for damage in the name of the state of Ohio, for the use of the county; and said board may also enjoin any person or persons who are engaged in the business of transporting heavy loads over such roads from using any such road in violation of any such regulations, in an action in the name of the state, and the court in any such action may render a judgment against a defendant or defendants for any damages done by him or them in violation of such regulations to such road or roads: provided, that nothing in this act shall be so construed as to apply to any farmer in the removal of any of the products of his farm.

SEC. 2. That said original section 4904 be and the same is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed March 4, 1880.

County commissioner to fix width of tire on turnpike roads, regulate burdens, etc.

*Page 37*  
Sec. 4904.  
Amended  
79 O. L. 86.

Penalty for violation of such regulations.



[Senate substitute for House Bill No. 30.]

## AN ACT

To authorize the trustees of the several townships in Hamilton county to levy an additional road tax.

Additional  
road tax in  
Hamilton  
county.

In certain  
cases village  
councils to ex-  
ercise powers  
of trustees.

Labor on  
public high-  
ways.

County  
treasurer to  
receive cer-  
tificates as  
money for  
road tax.

Labor or  
money.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That in lieu of the taxes authorized to be levied and collected in sections 2829 and 2830 of the revised statutes, the trustees of any township in Hamilton county, if they deem an additional road tax necessary, shall determine the percentum to be levied on the taxable property of their township, not to exceed two mills on the dollar, which may be discharged in labor, as hereinafter provided. But where a township shall include an incorporated village, the rate of tax so fixed by said township trustees shall not apply, or be assessed or collected from the property included within the incorporated limits of such village, but the council of any such village shall exercise the right conferred by this title on the trustees of townships to make such additional levy for road purposes on the taxable property within the corporate limits of any such village, as trustees may, by this title, make for road purposes in their respective townships. Said trustees and council shall certify the same to the county auditor, in writing, on or before the fifteenth day of May in each year; the auditor of the county shall assess the same on all the taxable property in said township or village, and the same shall be collected in the December installments.

SEC. 2 Any person charged with a road tax may discharge the same by labor on the public highway, within the proper time, at the rate of one dollar and fifty cents per day, and a ratable allowance per day for any team and implement furnished by any person under the direction of the supervisor of the proper district, who shall give to such person a certificate, specifying the amount of taxes so paid, and the district and township wherein such labor should be and was performed, which certificate shall in no case be given for any greater sum than the tax charged against such person, and the county treasurer shall receive all such certificates as money in the discharge of said road tax: provided, that when the county commissioners so direct, the supervisor shall write on the margin of his list, opposite to the amount charged against all such as may pay the tax, by money or labor, the word "paid," and shall return his list, on or before the twenty-fifth day of September of the year in which levied, to the township clerk, who shall write on the margin of the list sent by the auditor, opposite to the amounts charged against each person who may have paid the same in labor or money, as shown by the return of the supervisor, the word "paid," and shall forthwith forward the same to the county auditor, who shall charge all such as may remain unpaid, as shown by the returns of the township clerk, upon the tax duplicate of the proper county, and the same shall be collected as other

moneys are collected in the December installment by the county treasurer. When such road tax is paid in labor, such labor shall be performed before the first day of October of the year in which levied. All road taxes collected by the county treasurer from any person shall be paid over to the treasurer of the township or municipal corporation from which they were collected, and shall be expended on the public roads and in building and repairing bridges in the several sub-districts in the township or municipal corporation from which the said taxes were collected and the same taxable property is located, under the direction of the trustees of the proper township or council of such municipal corporation and supervisors of the several sub-districts in each township. All funds heretofore levied for road purposes, and not expended, shall revert back, as herein named, to the several sub-districts and villages, and be expended under the direction of the trustees of township and supervisors of the several sub-road districts, or council of municipal corporation, from which the same was collected, as other taxes collected under the provisions of this title.

SEC. 3. This act shall take effect and be in force from and after its passage

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed March 6, 1880.

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[ House Bill No. 134. ]

#### AN ACT

To amend section 985 of the revised statutes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section nine hundred and eighty-five (985) of the act passed June 20, 1879, entitled "an act to revise and consolidate the general statutes of Ohio," be so amended as to read as follows:

Section 985. If a person transports, removes, or brings, or causes to be transported, removed, or brought, any poor or indigent person into any city, township, or county in this state, without lawful authority, and there leaves such poor or indigent person, with intent to make such city, township, or county chargeable with the support of such pauper, such person so offending shall forfeit and pay the sum of fifty dollars for every such offense, for the use of the poor of the city or township in which such pauper is left, to be recovered by civil action, in the name of the state, before any court of competent jurisdiction.

Penalty for bringing pauper into city, township, or county with intent to charge with support.

SEC. 2. That said section nine hundred and eighty-five (985) of the above recited act be and the same is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed March 6, 1880.

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[Senate Bill No. 45.]

AN ACT

To amend section 4369, title 5, chapter 9, of the revised statutes of Ohio, in relation to legal advertising. (Revised statutes, page 1030.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 4369 of the revised statutes of Ohio be so amended as to read as follows:

What shall  
constitute a  
square in  
legal adver-  
tisements.

Section 4369. A square shall be considered and held to be a space occupied by two hundred and forty ems of the type used in printing such advertisement; and all legal advertising shall be set up in compact form, without any unnecessary spaces, blanks, or head lines, and shall be printed in type not smaller than nonpareil.

SEC. 2. The said original section 4369 be and the same is hereby repealed, and that this act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed March 6, 1880.

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[Senate Bill No. 81.]

AN ACT

To amend section 2923 of the revised statutes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 2923 be so amended as to read as follows:

Election pre-  
cincts, how  
formed.

Sec. 2923. Each township, exclusive of the territory embraced within the limits of a municipal corporation which is divided into wards, shall compose an election precinct, unless such township alone, or with other territory, is di-

vided, according to law, into precincts; and each ward of any such municipal corporation shall also compose one election precinct, unless such ward is divided, according to law, into precincts; and elections shall be held for every township precinct at such place within the township as the trustees thereof shall determine to be the most convenient of access for the voters of such precinct; and for each ward precinct, at such place as the council of the corporation shall designate.

Where elections to be held.

SEC. 2. That section 2923 be and the same is hereby repealed; and this act shall take effect and be in force from and after its passage.

THOS. A. COWGILL;  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed March 8, 1880.

[Substitute for House Bill No. 58.]

#### AN ACT

To amend section 3573 of the revised statutes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section three thousand five hundred and seventy-three of the revised statutes of Ohio be so amended as to read as follows:

SEC. 3573. If it be necessary to acquire any lands by appropriation, such proceedings shall be taken therefor as are provided for the appropriation of property to the use of corporations; but no lands shall be so appropriated until the probate court is satisfied that suitable premises can not be obtained by contract upon reasonable terms, and no land shall be appropriated upon which there is any dwelling-house, barn, stable, or other farm buildings, or upon which there is any orchard or nursery, or any valuable mineral or other medicinal spring, or any well actually yielding oil or salt water; nor shall any land be appropriated, nor any cemetery located, whether it is being established by an association incorporated for cemetery purposes, or by benevolent or religious societies, within two hundred yards of any dwelling-house, unless the owner of such dwelling-house give his consent; but in cities of the third grade of the second class, where the cemetery lies within a municipal corporation, the association may, without such consent, appropriate property within one hundred feet, or the width of a street, of any dwelling-house. [72 v. 113, § 5; 76 v. 137, § 5.]

How lands appropriated for cemetery purposes.

41, § 3573.  
Am.  
82 v. 217.

SEC. 2. That said original section three thousand five

hundred and seventy-three be and the same is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed March 6, 1880.

[House Bill No. 26.]

#### AN ACT

To correct sections 1268, 1411, 2505, 2626, 2764, 3176, 3961, 5048, 5254, 5354, 5515, and 7115 of the revised statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That sections one thousand two hundred and sixty-eight, one thousand four hundred and eighty-one, two thousand five hundred and five, two thousand six hundred and eighty-six, two thousand eight hundred and sixty-four, three thousand one hundred and seventy-six, three thousand nine hundred and sixty-one, five thousand and forty-eight, five thousand two hundred and fifty-four, five thousand three hundred and fifty-four, five thousand five hundred and fifteen, and seven thousand one hundred and fifteen of the revised statutes of Ohio, be and the same are hereby amended so as to severally read as follows:

Who ineligible as a candidate for prosecuting attorney.

Section 1268. No person shall be eligible as a candidate for, or be elected to, the office of prosecuting attorney, who is not an attorney and counsellor at law, duly licensed to practice in this state; and no prosecuting attorney shall be a member of the general assembly of this state, or mayor of any city or village; and no county treasurer, county auditor, county recorder, county surveyor, or sheriff, shall be eligible as a candidate for, or elected to, the office of prosecuting attorney. [50 v. 215, § 9.]

Trustees of township may receive donations for township use.

Section 1481. The trustees may receive, on behalf of the township, any donation, by bequest, devise, or deed of gift, or otherwise, of any property, real or personal, for any township use; and when the township has real estate which it does not need, the trustees may sell and convey the same, when, at the annual township election, after notice, as provided in section fourteen hundred and seventy-nine, has been given of the submission of the question, a majority of the electors voting at such election have voted "sale—yes." [63 v. 103, § 1; 66 v. 339, § 3.]

Section 2505. The council of any city or village may grant permission, by ordinance, to any corporation, individual, or company owning, or having the right to construct, any street railroad, to extend their track, subject to the provisions of sections three thousand four hundred and thirty-seven, three thousand four hundred and thirty-eight, three thousand four hundred and thirty-nine, three thousand four hundred and forty, three thousand four hundred and forty-one, three thousand four hundred and forty-two, and three thousand four hundred and forty-three, on any street or streets where council may deem such extension beneficial to the public; and when any such extension is made, the charge for carrying passengers on any street railroad so extended, and its connections made with any other road or roads, by consolidation under existing laws, shall not be increased by reason of such extension or consolidation. [66 v. 140, § 1.]

Council of city or village may grant extension of street railroad.

Section 2686. When the bonds of the corporation have been issued in anticipation of a tax provided for in section twenty-six hundred and eighty-three, the same tax may be levied to raise means for the payment thereof as is authorized for the purpose for which they were issued. [66 v. 259, § 645.]

Levy after to pay bonds of municipal corporation.

Section 2864. Each county auditor shall cause the list of delinquent lands in his county to be published weekly for two weeks, between the twentieth day of December and the third Tuesday in January, in one newspaper in the English language, and no more, printed and of general circulation in his county, and also in one newspaper of the German language, if there shall be printed and published a newspaper in the German language and of general circulation therein, and if no paper be printed therein, then in some newspaper in the English language having general circulation in his county, to which list there shall be attached a notice that said delinquent lands will be sold by the county treasurer, as provided in section twenty-eight hundred and seventy, which said notice shall be in substance as follows, that is to say:

Delinquent land list—how published.

#### DELINQUENT TAX SALE.

The lands, lots, and parts of lots returned delinquent by the treasurer of ——— county, together with the taxes and penalty charged thereon agreeably to law, are contained and described in the following list, viz: (here insert the list, with the name or names of the owner or owners of the said respective tracts of land, or town lots, as the same are designated on the duplicate) and notice is hereby given that the whole of said several tracts, lots or parts of lots, or so much thereof as may be necessary to pay the taxes and penalty charged thereon, will be sold by the county treasurer at the court house in said county, on the third Tuesday of January next, unless said taxes and penalty be paid before that time, and that the sale will be continued from day to

day until the said several tracts, lots, and parts of lots, shall have been sold or offered for sale

\_\_\_\_\_, *County Auditor.*

Date of notice.

[69 v. 169, § 48.]

Demand and notice in case of non-payment of bond, note, etc.

Section 3176. The demand of payment from the maker of any such bond or note, or the drawee of any such bill of exchange or check, on the third day of grace, or upon the day mentioned for payment, as above provided, and notice of non-payment thereof to the indorser of any such instrument, and the drawer of any such bill or check, within a reasonable time thereafter, shall be adjudged due diligence, unless the indorsement express in writing other conditions; but if the third day of grace be the first day of the week, such demand shall be made on the next preceding business day. [72 v. 62, § 2.]

Contingent fund of joint sub-school district.

Section 3961. For a joint sub-district the estimate required by section thirty-nine hundred and fifty-eight shall be made by the board of education having control of the school thereof, and apportioned to the several townships having territory therein in proportion to the enumeration of youth in the territory belonging to each; the board shall certify such estimate, so apportioned, to the county auditor, who shall add the portion for each township to the estimate for a contingent fund certified to him by its board of education, and place it on the tax-list therewith for collection as part of the township estimate; when the county auditor apportions the school funds he shall transfer to the township having control of the school, from the other townships, the amount so assessed and collected, and certify to the clerk and treasurer of each township the amount due the joint sub-district, including state tax, interest on the common school fund, contingent fund, and money received from other sources, which amount shall be paid to the treasurer of the board having control of the school; and such board shall cause to be kept such accounts as will show the funds received from each township, and the disposition thereof, and transmit to the other board or boards interested, at the end of the school year, a statement of such receipts and expenditures. [75 v. 84, § 35.]

Section 5048. Service may be had by publication in either of the following cases:

When service by publication may be made.

1. In actions under the first three sections of the last chapter, when the defendant resides out of the state, or his residence can not be ascertained.

2. In actions to establish or set aside a will, when a defendant resides out of the state, or his residence can not be ascertained.

3. In actions in which it is sought by a provisional remedy to take, or appropriate in any way, the property of the defendant, when the defendant is a foreign corporation, or a

non resident of this state, or the defendant's place of residence is unknown, and in actions against a corporation incorporated under the laws of this state, which has failed to elect officers, or to appoint an agent, upon whom service of summons can be made, as provided by section five thousand and forty four, and which has no place of doing business in this state.

4. In actions which relate to, or the subject of which is, real or personal property in this state, when a defendant has or claims a lien thereon, or an actual or contingent interest therein, or the relief demanded consists wholly or partly in excluding him from any interest therein, and such defendant is a non-resident of the state, or a foreign corporation, or his place of residence can not be ascertained.

5. In actions against executors, administrators, or guardians, when the defendant has given bond as such in this state, but at the time of the commencement of the action is a non-resident of the state, or his place of residence can not be ascertained.

6. In actions where the defendant, being a resident of this state, has departed from the county of his residence, with intent to delay or defraud his creditors, or to avoid the service of summons, or keeps himself concealed with like intent.

7. When a defendant in a petition in error has no attorney of record in this state, and is a non-resident of and absent from the same, or has left the same to avoid the service of summons in error, or so conceals himself that such process can not be served upon him.

8. In an action or proceeding under chapter six, division four, of this title, or to impeach a judgment or order for fraud, or to obtain an order of satisfaction thereof, when a defendant is a non-resident of the state.

In any such case, when the residence of a defendant is known, it must be stated in the publication; immediately after the first publication, the party making the service shall deliver to the clerk copies of the publication, with the proper postage, and the clerk shall mail a copy to each defendant, directed to his residence named therein, and make an entry thereof on the appearance docket; and in all other cases, the party who makes the service, his agent or attorney, shall, before the hearing, make and file an affidavit that the residence of the defendant is unknown, and can not, with reasonable diligence, be ascertained. [65 v. 203, 1; 74 v. 161, § 70.]

Section 5254. The punishment for the contempt mentioned in section fifty-two hundred and fifty-two shall be as follows: When the witness fails to attend in obedience to the subpoena, the court or officer may fine him in a sum not exceeding fifty dollars; in other cases the court or officer may fine the witness in a sum not exceeding fifty nor less than five dollars, or may imprison him in the county jail, there to remain until he submits to be sworn, testifies, or

Proceedings  
for contempt  
by witness  
and punishment.



gives his deposition; the fine imposed by the court shall be paid into the county treasury, and that imposed by the officer shall be for the use of the party for whom the witness was subpoenaed; and the witness shall also be liable to the party injured for any damages occasioned by his failure to attend, or his refusal to be sworn, to testify, or to give his deposition. [51 v. 57, § 324.]

Section 5354. A court of common pleas, or a superior or district court, may vacate or modify its own judgment or order, after the term at which the same was made—

46, § 5354.  
Am.  
82 v. 34.

When court  
may vacate  
or modify  
judgment  
after term.

1. By granting a new trial for the cause within the time and in the manner provided in section fifty-three hundred and nine.

2. By a new trial granted in proceedings against defendants, constructively summoned, as provided in section five thousand and forty-eight.

3. For mistake, neglect, or omission of the clerk, or irregularity in obtaining a judgment or order.

4. For fraud practiced by the successful party in obtaining a judgment or order.

5. For erroneous proceedings against an infant, married woman, or person of unsound mind, when the condition of such defendant does not appear in the record, nor the error in the proceedings.

6. For the death of one of the parties before the judgment in the action.

7. For unavoidable casualty or misfortune, preventing the party from prosecuting or defending.

8. For errors in a judgment, shown by an infant in twelve months after arriving at full age, as prescribed in section fifty three hundred and thirty.

9. For taking judgments upon warrants of attorney for more than was due the plaintiff, when the defendant was not summoned, or otherwise legally notified of the time and place of taking such judgment.

10. When such judgment or order was obtained, in whole or in a material part, by false testimony on the part of the successful party, or any witness in his behalf, which ordinary prudence could not have anticipated or guarded against, and the guilty party has been convicted. [74 v. 115, § 534.]

Section 5515. If money be deposited by the defendant, as provided in section fifty-four hundred and ninety-nine, bail may be given and justified, upon notice, as prescribed in section fifty-five hundred and five, at any time before judgment; and thereupon the court in which the action is brought, on being satisfied that the bail has been given and adjudged sufficient, shall direct that the money deposited be refunded to the defendant, and it must be refunded accordingly. [51 v. 57, § 169.]

Section 7115. Whoever, in the presence of a magistrate named in section seventy-one hundred and six, makes an affray, or threatens to beat or kill another, or to commit an

offense against the person or property of another, or contends with hot and angry words, to the disturbance of the peace, may be ordered, without process, or any other proof, to give security as provided in section seventy-one hundred and nine, and in default thereof may be committed as is provided in the same section. [66 v. 289, § 12.]

SEC. 2. That original sections one thousand two hundred and sixty-eight, one thousand four hundred and eighty-one, two thousand five hundred and five, two thousand six hundred and eighty-six, two thousand eight hundred and sixty-four, three thousand one hundred and seventy-six, three thousand nine hundred and sixty-one, five thousand and forty-eight, five thousand two hundred and fifty-four, five thousand three hundred and fifty-four, five thousand five hundred and fifteen, and seven thousand one hundred and fifteen, be and the same are hereby repealed

SEC. 3. This act shall take effect and be in force from and after its passage.

Disturbers of peace in presence of magistrate may be committed without process.

Repeals.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed March 9, 1880.

[House Bill No. 81.]

#### AN ACT

To correct section six thousand nine hundred and seventy-eight of the revised statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section six thousand nine hundred and seventy-eight of the revised statutes be so amended as to read as follows:

Section 6978. A justice of the peace, or other person, who refuses to deliver up any docket, papers, files, laws, or statutes, on demand, by the person entitled thereto, according to law, shall be fined not more than two hundred dollars, or imprisoned not more than six months, or both. [58 v. 27, § 1.]

SEC. 2. That said section number six thousand nine hundred and seventy-eight be and the same is hereby repealed.

SEC. 3. This act shall be in force from and after its passage.

Penalty for refusal of justice to deliver up docket.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed March 9, 1880.

[House Bill No. 47.]

## AN ACT

To amend section 6454 of the revised statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section six thousand four hundred and fifty-four of chapter nine, title two, part third, of an act entitled "an act to revise and consolidate the general statutes of Ohio," passed June 20, 1879, (Revised statutes, 1880, p. 1544), be so amended as to read as follows :

Probate  
court to have  
criminal  
jurisdiction,  
in what  
counties.

Page 48  
Sec. 6454.  
Amended  
79 O. L. 30.

Section 6454. The probate court shall have jurisdiction concurrent with the court of common pleas in all misdemeanors in the following counties: Cuyahoga, Lake, Lucas, Montgomery, Erie, Richland, Scioto, Holmes, Meigs, Henry, Belmont, Stark, Ottawa, Williams, Allen, Wood, Saldusky, Carroll, Gallia, Darke, Wyandot, Coshocton, Defiance, Portage, Clermont, Hocking, Brown, Lorain, Columbiana, Madison, Clinton, Shelby, Geauga, Mahoning, Jefferson, Monroe, Hancock, Adams, Highland, Licking, Knox, Miami, Fayette, Perry, Tuscarawas, and Guernsey.

SEC. 2. That said original section 6454 be and the same is hereby repealed.

SEC. 3. That this act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed March 9, 1880.

[House Bill No. 198.]

## AN ACT

To amend section five thousand three hundred and eight of the revised statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 5308 of the revised statutes of Ohio be so amended as to read as follows :

Application  
for new trial,  
how made.

Section 5308. The application must be made by motion, upon written grounds, filed at the time of making the motion; the causes enumerated in subdivisions two, three, and seven, of section five thousand three hundred and five, must be sustained by affidavits or depositions, showing their truth, and may be controverted by affidavits or depositions, and for this purpose depositions may also be taken in the county where the action is pending. [51 v. 57, § 300; 76 v. 99, § 4.]

SEC. 2. That said section five thousand three hundred and eight be and the same is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed March 9, 1880.

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[House Bill No. 188.]

AN ACT

Making appropriations for the support of common schools.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That there be and is hereby appropriated from any moneys raised or accruing in the state treasury for the support of common schools, one million five hundred and fourteen thousand four hundred and ninety-four dollars and fifty-five cents (\$1,514,494.55), or as much as may come into the treasury for this purpose, to be distributed and paid in the manner provided by law.

SEC. 2. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed March 9, 1880.

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[House Bill No. 8.]

AN ACT

To amend section number 935 of the revised statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section number 935, of the revised statutes of Ohio, be amended to read as follows:

Section 935. In any county where there now is or hereafter may be established, by private charity, a children's home, the same may be purchased or sustained by the county commissioners; or, when a fund has been, or, hereafter may be given or subscribed, to establish a children's home, and the trustee or body to whom the same is made payable is incapable of accepting the trust, or said donee or trustee shall decline to accept, or desire to transfer such trust, to the commissioners of the county, such trust and fund, shall upon the execution and delivery to them of a legal transfer of such fund, vest in the commissioners of the county, who are authorized, if in their opinion such fund is sufficient therefor, to accept

County commissioners may purchase or sustain children's home established by private charity.

May accept funds given for such purpose.

such trust and to establish a children's home without submitting the same to a vote of the people, provide the necessary site and buildings therefor, and enforce by action in their corporate name all subscriptions to said fund, and organize, govern, and sustain said home in the manner provided for homes authorized by vote of the people; provided, that such commissioners in accepting said fund shall not incur any additional expenditure beyond the same in establishing said home, without first submitting the question of such additional expenditure to a vote of the people of said county as provided by law.

SEC. 2. Said original section 935 is hereby repealed.

SEC. 3. This act shall be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed March 9, 1880.

[House Bill No. 18.]

AN ACT

To correct section 66 of the revised statutes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section sixty-six of the revised statutes, passed June 20, A. D. 1879, entitled "an act to revise and consolidate the general statutes of Ohio," be so amended as to read as follows:

Section 66. At the same time that the documents mentioned in section sixty-three and sixty-five are printed in pamphlet form, there shall be printed on the same type, twenty eight hundred copies of each document named, in a volume or volumes, paged consecutively, with running heads, designating each report, to be styled "executive documents," to be bound in half law binding; and the supervisor of public printing shall make out an index to be printed at the commencement or close of each volume. There shall be no charge for composition for printing the two thousand eight hundred copies of said "executive documents," except for the index or title page. [72 v. 179, sec. 10]

SEC. 2. That said original section sixty-six be and the same is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed March 9, 1880.

Page 50  
Sec. 66.  
Amended.  
78 O.L. 63, 220.

Executive documents—  
number of  
copies to be  
printed.

[House Bill No. 17.]

## AN ACT.

To correct sections 2932 and 2933 of the revised statutes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That sections two thousand nine hundred and thirty-two and two thousand nine hundred and thirty-three of the act passed June 20, A. D. 1879, entitled "an act to revise and consolidate the general statutes of Ohio," be so amended as to read as follows:

Section 2932. Judges of election for each township precinct shall be constituted and chosen as follows:

First—In every township in which no person received any votes at the preceding spring election for the office of trustee, except those holding the office, and in every township in which the trustees are not all members of the same political party, the trustees shall be judges.

Second—In every other township, except townships divided into election precincts, the two trustees who received the highest number of votes at the preceding spring election, or if two of the trustees were appointed, then the trustee elected, and the trustee first appointed, or, if the three trustees were all appointed, then the two first appointed shall, together with the person who was a member of a political party to which one or both of such trustees did not belong, and who received the highest number of votes for trustee at such election of those voted for and not elected, be the judges.

Third—If the trustees, or any of them, received an equal number of votes, or if two or more persons who were members of a political party to which one or both of the trustees chosen to be judges, as herein provided, did not belong, received at such election an equal number of votes for trustee, and were not elected, the township clerk shall publicly determine, by lot, which of such trustees, or which of such other persons, shall act as judges.

Fourth—In every township containing more than one election precinct, each trustee shall act as judge in the precinct in which he resides, unless they all reside in the same precinct, when two only can so act therein, and the other trustee shall act as judge in any other precinct; and additional judges, so that there shall be three judges at each precinct, shall be chosen as provided in section two thousand nine hundred and thirty-five; and the clerk of every township shall make and preserve a record of the names of all persons chosen judges of election in such township, and the dates when chosen. [74 v. 19, § 1.]

Section 2933. Judges of election for each ward precinct of a municipal corporation shall be constituted and chosen as follows:

First—If the ward is not divided into precincts, the two councilmen of the ward, and the elector who was a member

How judges  
of election  
for township  
precincts  
constituted  
and chosen.

51,  
§2932 Am.  
83 v. 83.

How judges  
of election  
of ward pre-  
cincts consti-  
tuted and  
chosen.

of a political party to which one or both of the councilmen did not belong, who received the highest number of votes for councilman of those voted for and not elected, at the preceding spring election, shall be judges; but if two or more of such electors not chosen received the same number of votes, the clerk of the corporation shall publicly determine, by lot, which shall be judge of election; judges of election so chosen shall serve as such for one year, and until their successors are chosen and qualified; and the clerk shall issue to them a certificate of election as in other cases.

Second—In every ward divided into election precincts, except in cities having fifteen thousand or more inhabitants at the preceding census, the two councilmen shall be judges of election in the precincts in which they respectively reside; and additional judges, so that there shall be three judges at each precinct, shall be chosen as provided in section two thousand nine hundred and thirty five.

Third—In every ward divided into precincts, in cities having fifteen thousand or more inhabitants at the preceding census, the councilmen shall be judges of election, in precinct A thereof; such councilmen shall meet at the mayor's office, on the first Monday of September of each year, at 10 o'clock A.M., and shall there select and appoint two judges of election, of opposite politics, for each of the other precincts of such municipal ward, and the electors of the ward so subdivided shall select a third man to serve as judge of such precinct upon the organization; the persons so appointed shall be electors and residents for at least sixty days in the ward for which they are appointed; the mayor shall forthwith cause notice to be given to each person so appointed, and shall cause a record to be made and kept in his office of such appointments, and the persons so appointed shall act as judges of election in their proper precincts during the period of one year; they shall take the same oath of office, be subject to the same requirements, penalties, liabilities, and disqualifications, and entitled to the same compensation, as other judges of election; they shall designate and appoint two clerks of election, of opposite politics, who shall take an oath of office, and shall perform all the duties, and be subject to all the liabilities, as other clerks of election; and if any such judges or clerks fail to attend, at the proper time and place, such judges and clerks, and all additional judges and clerks, shall be chosen by the electors of the ward. [74 v. 19, § 1; 75 v. 58, § 12.]

SEC. 2. That original sections two thousand nine hundred and thirty-two and two thousand nine hundred and thirty-three be and the same are hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL.

*Speaker of the House of Representatives.*

R. G. RICHARDS.

*President pro tem of the Senate.*

Passed March 9, 1880.

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[House Bill No. 19]

AN ACT

To amend sections 129 and 312 of the revised statutes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That sections one hundred and twenty-nine and three hundred and twelve, of the act passed June 20, A.D. 1879, entitled "an act to revise and consolidate the general statutes of Ohio," be so amended as to read as follows:

Section 129. Except as otherwise provided by law he shall examine the proof-sheets of all the laws printed after their passage, and prepare [side] notes and indexes thereto; and shall also make accurate copies of all laws and resolutions of the general assembly, and deliver the same to the supervisor of public printing; and he shall cause to be printed at the end of each volume of the laws his certificate that the laws and resolutions, as printed therein, are truly copied from the original rolls in his office. [29 v. 500, § 40.]

Duty of secretary of state as to printing of laws.

Section 312. Except as otherwise provided by law, the supervisor of public printing shall examine the proof-sheets of all printing done for the state, and see that they are correct, and that the work is executed in a suitable manner and pursuant to law; and he shall prepare indexes for all public documents, when necessary. All printing for the executive departments shall be ordered through the supervisor, and he shall see that the full number of copies ordered is received from the printer and delivered to the proper department; he shall audit all accounts for printing and binding, and keep a record of the cost of printing and binding, the amount of paper used, and the entire expense of each document or item; and a copy of each document shall be duly filed and preserved by him, with the cost indorsed upon it; he shall not have any interest in the contracts for printing. [61 v. 11, § 17; 64 v. 124, § 8; 59 v. 86, 24, § 2; 76 v. 132, § 2.]

Duty of supervisor of printing as to proof-sheets of documents, etc.

SEC. 2. That said original sections one hundred and twenty nine and three hundred and twelve be and the same are hereby repealed.



SEC. 3. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
 R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed March 9, 1880.

[ House Bill No. 202 ]

#### AN ACT

To amend an act supplementary to sections one and two, of chapter four, of an act passed May 11, 1878, entitled an "act to amend and revise the statutes relating to taxation," to be known as title thirteen, part one, of the act to revise and consolidate the general statutes, passed June 17, 1879.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio.* That section two (2) of the act to which this is amendatory be so amended as to read as follows:

When board  
 of equaliza-  
 tion reduces  
 value of  
 land, auditor  
 to issue re-  
 funding  
 order.

Section 2. In case said board or boards of equalization shall reduce the valuation of any such lots or lands, as authorized in section one (1) of the act, it shall be the duty of the county auditor, upon the application of the owner of any portion of such lots or lands, desiring to pay the taxes upon his said lots or lands upon the tax duplicate of 1878, to issue to such owner a refunding order for the difference between the taxes on his said property, appearing on the said tax duplicate, and the amount due and unpaid on said property, when the taxes shall have been computed on such reduced valuation, for the several years since and including 1875, during which said property has remained delinquent; and it shall be the further duty of the county auditor to place upon the tax duplicate of 1879, such amount of taxes, upon any such lots or lands remaining delinquent for any or all of the years since and including 1875, as will result from the rates levied for such years upon such reduced valuation; and in case any person shall have paid any taxes levied upon his lots or lands after the same were advanced in valuation, and before the valuation shall have been so reduced, the county auditor shall, upon the presentation of the receipt for such payment, issue to the person making the same, a refunding order for the difference between the taxes so paid and the amount of such taxes, if the same had been levied upon such reduced valuation; and such refunding order, and any part of the amount thereof, to be used thereon, shall be receivable by the county treasurer in payment of taxes now or hereafter charged against the property of the payee.

SEC. 2. The said original section two (2) is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
 R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed March 9, 1880.

[House Bill No. 59.]

### AN ACT

To correct sections three thousand and eighty-eight, four thousand six hundred and seventy-four, four thousand eight hundred and fifty, four thousand eight hundred and eighty-four, four thousand eight hundred and eighty-seven, and four thousand eight hundred and eighty-eight of the revised statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That sections three thousand and eighty-eight, four thousand six hundred and seventy-four, four thousand eight hundred and fifty, four thousand eight hundred and eighty-four, four thousand eight hundred and eighty-seven, and four thousand eight hundred and eighty-eight of the revised statutes of Ohio be so amended as to read as follows :

Section 3088. The volunteers temporarily enlisted under the provisions of section three thousand and eighty-six, whether attached to existing or formed into new organizations, may be retained under such enlistment not longer than thirty days, but shall be discharged as soon as the emergency for which they were required has passed; and while in such service they shall be subject to the same discipline and penalties, and receive the same pay, as the regular organized militia. [63 v. 70. § 49 ]

Volunteers temporarily enlisted retained not longer than thirty days.

Section 4674. The petition shall be read in open meeting of the trustees, and they being satisfied that such proposed road is necessary, shall appoint three judicious, disinterested landholders of the township, who shall constitute a jury, and a surveyor, who shall, after taking the oath required by section forty-six hundred and forty-six, take to their assistance two chain carriers and a marker, and proceed, at the time directed by the trustees, or within three days thereafter, to view the ground along which the road is proposed to be established, and locate the same as near the line named in the petition as a good road can be had at a reasonable expense, and determine, according to the provisions of section forty-six hundred and forty-two, the compensation which shall be paid to the owner of the land through which it is proposed

Appointment, and duties of road viewers.

to establish the same, and the amount of damage he may sustain. [51 v. 303, § 31.]

Cities and villages may assist in constructing improved road.

Section 4850. When any road to be improved under and by virtue of this chapter begins or terminates in a city or village, the corporate authorities thereof may, upon the recommendation of the county commissioners, if they deem the same expedient, agree to pay in the bonds of such city or village, in the manner and proportions described in sections forty-eight hundred and forty-six, in addition to any amount that may be assessed upon the real property within such corporation by virtue of the provisions of this chapter, an amount not exceeding one-fifth of the entire cost of the road; but the entire tax to be imposed for road purposes, by virtue of this section, shall not in any year exceed five mills on the dollar of the taxable property in the corporation. [64 v. 80, § 9.]

General tax for repairing improved roads.

Section 4884. If the tax and labor provided for in section forty-eight hundred and eighty-one be found insufficient to keep such roads in good repair, the county commissioners shall determine and levy such additional pike repair tax as may be found necessary to keep the same in good repair and condition for public travel, upon all the taxable property of the county, not exceeding one mill on the dollar in any year, which shall be collected as other taxes, and paid by the county treasurer to the various pike superintendents in such sums and proportions as the commissioners may direct, they having first determined what proportion of the fund shall be set apart to the credit of each township; and the commissioners, in determining the division of the fund, shall be governed not by the miles of pike in each township, but by the necessities of the roads, the convenience of getting material, the quality of material necessary to make substantial repairs, etc., and shall make a just and equitable division of the fund between the several townships, to be paid the superintendents on warrants of the auditor. [75 v. 26, § 8.]

Powers and duties of pike superintendents.

Section 4887. The superintendent shall keep in repair all culverts necessary for the travel and convenience of such roads; his authority shall extend to the repairing of bridges and culverts, in all cases wherein the expenditure of money shall not exceed twenty dollars; he shall have power to contract for the necessary material and labor therefor, and certify the same to the commissioners, as provided for in section forty-eight hundred and eighty; and all contracts for labor and material employed in the repair of culverts and bridges shall be paid for out of the road fund of the county. [75 v. 26, § 11.]

When repairs must be made.

Section 4888. The labor provided for in section forty-eight hundred and eighty-one, together with the repairs otherwise provided for, shall all be applied upon the roads by the first of September each year, but the superintendent, at all seasons of the year, shall see that the culverts and bridges are

kept in repair, in case of damage to the road by flood or otherwise. [75 v. 26, § 12.]

SEC. 2. That said original sections three thousand and eighty-eight, four thousand six hundred and seventy-four, four thousand eight hundred and fifty, four thousand eight hundred and eighty-four, four thousand eight hundred and eighty-seven, and four thousand eight hundred and eighty-eight be and the same are hereby repealed. Repeals.

SEC. 3. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed March 9, 1880.

[House Bill No. 131.]

. AN ACT

To amend section four thousand one hundred and fifty-six (4156) of the revised statutes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section four thousand one hundred and fifty-six (4156) of the act passed June 20, 1879, entitled "an act to revise and consolidate the general statutes of Ohio," be so amended as to read as follows:

Section 4156. A copy of the record of such instrument, duly certified by the officer making the same, shall be admitted in evidence and be considered as proof to the extent provided in section forty-one hundred and forty-three; and a copy of such original instrument, or of a copy thereof, filed as aforesaid, including a statement made in pursuance of the two next preceding sections, certified by the officer in whose office the same is filed, shall be received in evidence, but only of the fact that such instrument or copy, and such statement, was received and filed according to the indorsement of the officer thereon, and of no other fact; and, in all cases, the original indorsement by the officer upon such instrument or copy, shall be received in evidence only of the facts stated in such instrument. [75 v. 519, § 3; 44 v. 61, § 5.]

SEC. 2. That said section four thousand one hundred and fifty-six of the above recited act be and the same is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of Senate.*

Passed March 9, 1880.

What certified copy of record of chattel mortgage evidence of.

57,  
§4156 Am.  
83 v. 206.

[House Bill No. 98.]

## AN ACT

To amend section 6941 of the revised statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section six thousand nine hundred and forty-one of the revised statutes of Ohio be amended to read as follows:

Section 6941. Whoever sells intoxicating liquor, to be drank in, upon, or about the building or premises where sold, or in any adjoining room, building, or premises, or other place of public resort connected therewith, or sells intoxicating liquors to a minor, except upon the written order of his parent or guardian, or family physician, or to a person intoxicated, or in the habit of getting intoxicated, shall be fined not more than one hundred dollars nor less than five dollars, or imprisoned not more than thirty nor less than ten days, or both.

SEC. 2. Said section 6941 be and is hereby repealed.

SEC. 3. This act shall be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of Senate.*

Passed March 9, 1880.

[House Bill No. 71.]

## AN ACT

To amend section 3964 of the revised statutes, relative to school funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 3964 of the revised statutes be amended so as to read as follows:

Section 3964. Each county auditor shall, annually, immediately after his annual settlement with the county treasurer, apportion the school funds for his county; the state common school fund shall be apportioned, in proportion to the enumeration of youth, to districts, sub-districts, and joint sub districts, and fractions of districts and joint sub-districts, within the county; but if an enumeration of the youth of any district, for any year, has not been taken and returned, such district shall not be entitled to receive any portion of said fund; the contingent funds collected from the several districts shall be paid to the districts to which they respectively belong; money received from the state on account of interest on the common school fund shall be apportioned to the school districts and parts of school districts within the territory designated by the auditor of state as

Apportionment of school fund by county auditor.

ASTED IN ' Penalty for  
Page 58 selling to be  
Sec. 6941. drank when  
Repealed. sold.  
80 O. L. 167, §11

entitled thereto, in proportion to the enumeration of youth therein, and all other money in the county treasury for the support of common schools, and not otherwise appropriated by law, shall be apportioned annually in the same manner as the state common school fund.

SEC. 2. Section 3964 of the revised statutes is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of House of Representatives.*

R. G. RICHARDS,  
*President pro tem. of Senate.*

Passed March 9, 1880.

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[House Bill No. 84.]

AN ACT

To amend section 7245 of the revised statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 7245 of the revised statutes be so amended as to read as follows:

Section 7245. After a copy of the indictment has been served, or opportunity had for receiving the same, as provided in the preceding section, the accused shall be brought into court, and if he is without counsel, and unable to employ any, the court shall assign him counsel, not exceeding two, who shall have access to the accused at all reasonable hours; but such counsel shall not be a partner of the attorney having charge of the prosecution, in the practice of the law, and no partner of the attorney having charge of a prosecution shall be employed by or conduct the defense of any person prosecuted as aforesaid.

SEC. 2. That said original section 7245 be and the same is hereby repealed.

SEC. 3. This act shall take effect from and after its passage.

Court may  
assign coun-  
sel to indi-  
gent pris-  
oner.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*

R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed March 11, 1880.

[Senate Bill No. 66.]

## AN ACT

Supplementary to the revised statutes of Ohio, title two, chapter one and two, to enable purchasers of railroads at judicial sales to become incorporated.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the following sections be enacted as supplementary to the above mentioned chapter of the revised statutes, with sectional numbering as herein provided :

Purchaser of  
railroad at  
judicial sale  
may sell  
same.

Section 3426a. The purchaser or purchasers of the real and personal property, road-beds, rights of way, fixtures and franchises of any railroad company in the state of Ohio, and situated wholly or in part in this state, that have been or shall hereafter be sold pursuant to judicial order, judgment, or decree, and which sale has been confirmed by the court making the order of sale, may sell the same, or any portion thereof; and the title thereto, with all the rights, liberties, faculties, and franchises shall pass by such sale and vest in the purchaser or purchasers thereof, as fully as [if] the same had been possessed, exercised and enjoyed by such railroad company, and which passed by said judicial sale; which grant being in the same form as by law required to pass real estate, shall be recorded in the record of deeds of the county or counties in which said real or personal property is situated, and said rights and franchises are or may be exercised.

Grant to be  
recorded.

Railroad  
company,  
and any  
number of  
persons, may  
become pur-  
chasers.

Section 3426b. That any railroad company organized or existing under the laws of this state may become the purchasers of such property, as provided in the first section of this act, and any number of persons may become the purchasers of such road, road-beds, rights of way, property, and franchises, as provided herein, either directly at such judicial sale or by grant from the purchasers at such sale, whether the same shall have been heretofore or may hereafter be made; and upon filing a copy of said deed or grant in the office of the secretary of state, with articles of incorporation executed in accordance with sections 3236 and 3237 of the revised statutes of Ohio, they, and such persons as they may associate with them, not less than five in number, shall become a corporation, with perpetual succession, by such name as they may assume to themselves, with full capacity to maintain and operate such railroads, whether located wholly within this state, or partly within this state and partly within another state or states, and with authority to provide for the purchase price of the railroad and other property so purchased, by the issue of its capital stock, preferred or common, and bonds secured by mortgage or otherwise, bearing interest at a rate not exceeding seven per cent. per annum, and also, by such issue of stock or bonds, to raise the necessary means suitable to improve such railroad

Purchasers  
may become  
incorpora-  
ted.

property and equipment for the uses and purposes for which it is employed; and in the operation and maintenance of such railroad, [and] the said corporation shall be entitled to all the rights, and be subject to all the obligations and restrictions imposed upon railroad companies by the general laws of this state.

Sec. 2. This act shall take effect upon its passage.

THOS. A. COWGILL,

*Speaker of the House of Representatives.*

R. G. RICHARDS,

*President pro tem of the Senate.*

Passed March 11, 1880.

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[House Bill No. 290.]

### AN ACT

To amend section 645 of the revised statutes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section six hundred and forty-five be so amended as to read as follows:

Section 645. The board of trustees of each institution shall, annually, after the close of the fiscal year, make to the governor a report of their proceedings during the year, accompanied with a report by the superintendent, and such others employed in the institution as the trustees may deem important, and of the condition, progress, and wants of the institution, together with an exhibit showing the balances of money at last settlement, under each head as appropriated, in the hands of the financial officer, and the amount on hand in the state treasury, and the amount appropriated for each different fund during the fiscal year, with a detailed exhibit of all expenditures, giving the total quantity and total expenditure of each item purchased during the fiscal year, under the head of the different funds, and at the close of the fiscal year to show the balance of money in the hands of the financial officer, subject to his draft in the hands of any person, and to what fund the balance belongs, and the amount in state treasury, and to what fund. Said report shall also contain a full list of all persons employed therein, and for what purposes and amount paid to, or terms upon which said persons have been employed during the year, and a complete statement of all liabilities, if any, that are unpaid, with the amount of each bill, when incurred, and to whom it is due. Such report shall further contain a summary statement of all contracts entered into during the year, the names of all persons interested in such contracts; and should there be any donations or bequests, to show the amount received, amount expended, if any, with the balance on hand. And on the 15th day of February of each and every year, they

Annual report of trustees of benevolent institutions.



shall submit to the general assembly an exhibit of the balance of money in the hands of their financial officer, and to what fund said balance belongs; and the amount in the state treasury, under the several different funds, with a detailed statement of all outstanding warrants issued, with all other liabilities, if any, that are unpaid, with the amount of each bill, when incurred, and for what purpose, and to whom it is due.

SEC. 2. That original section 645 be and the same is hereby repealed.

SEC. 3. This act shall take effect from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed March 15, 1880.

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[House Bill No. 255.]

#### AN ACT

To authorize certain cities to purchase certain real estate for railway purposes, and to issue bonds therefor, and to authorize additional taxation to meet the interest and principal of said bonds.

Council of  
Gallipolis  
authorized  
to purchase  
grounds for  
railroad de-  
pot.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the council of any municipal corporation which by the last federal census had, and those which hereafter on the first day of June in any year as ascertained by any federal census may have, a population of three thousand seven hundred and eleven is hereby authorized to purchase and hold for the purpose of a railroad depot, right of way, and other purposes connected with operating a railway in said city, any lots or pieces of land within the corporate limits of said city, together with any buildings thereon, and to pay for the same any sum not exceeding twelve thousand dollars.

SEC. 2. That any such city council, to provide the money for the payment of real estate so purchased, is hereby authorized to issue the bonds of said city, payable in twenty years, or less, bearing interest at the rate of six per cent., payable semi-annually, and to provide for the payment of said bonds and the interest thereon, as herein provided.

SEC. 3. That any such city is hereby authorized and required, for the purpose of paying the interest and principal of said bonds, to levy on the taxable property of said city, annually, a tax not exceeding one mill on the dollar of such taxable property, in addition to the tax authorized by law to be levied by such city; and said tax so levied shall be applied to no other purpose than the payment of the interest and principal of said bonds; provided, that if more money

shall be raised in any one year than is required to pay the amount due on said bonds for that year, the balance shall be set aside and constitute a sinking fund, to be applied to the payment of the principal of said bonds, whenever the amount of said fund shall equal the sum due on one or more of said bonds.

SEC. 4. That such city council is hereby authorized to grant or lease the property so purchased, or part thereof, to one or more railway companies, for depot, right of way, or other purposes, in connection with railway uses, upon such terms and conditions as may be agreed upon between such city council and such company or companies.

SEC. 5. That before such purchase is made, bonds issued, or any of the powers herein conferred shall be exercised, such city council shall submit the question of the exercise of such powers to the qualified electors of such city, at any general, or a special election to be called by said city council, by publishing the same in two of the papers published in said city, at least ten days before the day of such election, calling attention to the time and place at which said election will be held, and the object and purpose thereof. The ballots to be voted at such election shall have written or printed thereon the words, "Railway depot—yes;" "Railway depot—no." That the poll-book and tally-sheets of such election shall be forthwith, after the close of said election, returned to the clerk of such city, and the said city council shall, at its next regular meeting thereafter, provide for the canvassing of said returns, and shall cause the results to be entered upon the journal of said council and proceedings of that meeting; and if it shall appear that a majority of the electors, voting at said election, have not voted in favor of said proposition, said city council shall not exercise any of the powers in this act conferred and authorized.

SEC. 6. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed March 15, 1880.

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[House Bill No. 223.]

#### AN ACT

To amend section 3917 of the revised statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 3917 of the revised statutes be so amended as to read as follows:

Section 3917. The clerk of each sub-district, or if a town-

Notice and  
and conduct  
of election  
in townships  
and special  
school dis-  
tricts.

ship is not divided into sub-districts, the clerk of the township, shall post written or printed notices in three or more conspicuous places in his sub-district or township, as the case may be, at least six days prior to the day of election, designating the day and hour of opening, and the hour of closing the election; the election shall be held at the usual place of holding school meetings in the sub-district, or township district which is not divided into sub-districts; the meeting shall be organized by appointing a chairman and a secretary, who shall act as judges of the election; and the secretary shall keep a poll-book and tally-sheet, which shall be signed by the judges and delivered within eight days to the clerk of the township.

SEC. 2. Said original section 3917 be and the same is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed March 16, 1880.

House Bill No. 294.

#### AN ACT

To amend section six thousand nine hundred and forty-five of the revised statutes of the state of Ohio of 1880.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 6945 of the revised statutes of the state of Ohio of 1880, be amended so as to read as follows:

Section 6945. Whoever sells, or exposes for sale, gives, barter, or in any other way disposes of any spirituous or other liquors, or in any articles of traffic whatsoever, at any place at or within the distance of four miles from the place where any religious society or assemblage of people is collected or collecting together for religious worship, or for the purpose of holding a harvest home festival, shall be fined not more than one hundred nor less than ten dollars. This section does not extend to tavern keepers exercising their calling, or distillers, manufacturers, or other persons prosecuting their regular trades at their places of business, nor to any person disposing of any ordinary article of provisions, except spirituous liquors, at his residence, nor to any person having a permit from the trustees or managers of any such religious society or assemblage to sell provisions for the supply of persons attending such religious worship or festival, their horses or cattle, and who is observing the regulations of such society or assemblage and the laws of the state.

Page 64  
Sec. 6945.  
Amended  
78 O. L. 128.

64.  
§6945 Am.  
85 v. 30.

Penalty for  
selling in-  
toxicating  
liquors with-  
in four miles  
of religious  
meetings.

SEC. 2. Said original section six thousand nine hundred and forty-five of the revised statutes is hereby repealed.

SEC. 3. This act shall take effect on its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed March 16, 1880.

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House Bill No. 310.

AN ACT

To cover certain money into the treasury.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the thirty-two thousand five hundred and fifteen dollars appropriated for current expenses of Longview Asylum, in the act entitled "an act making partial appropriations for the fiscal year ending November 15, A.D. 1879, for the several public institutions therein named," passed January 25, 1879, be and the same is hereby covered into the state treasury.

SEC. 2. This act shall take effect on its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed March 16, 1880.

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[House Bill No. 74.]

AN ACT

To amend sections number 4877 and 4889 of the revised statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That sections 4877 and 4889 of the revised statutes of Ohio be amended to read as follows:

Section 4877. Each township in the county of Shelby, for the purpose of keeping in repair so much of such roads as may be therein, is hereby constituted a road district and placed under the care and supervision of a superintendent, now in office or hereafter elected, as herein provided.

Section 4889. Each township in the counties of Belmont, Carroll, Clarke, Clermont, Columbiana, Cuyahoga, Darke, Delaware, Erie, Fayette, Franklin, Geauga, Green, Hamilton, Henry, Huron, Licking, Logan, Lucas, Madison, Montgomery, Muskingum, Ottawa, Paulding, Pickaway, Pike, Preble, Ross, Stark, Summit, Trumbull, Tuscarawas, Vinton, Washington, and Wayne, in which any such free road is located, is made a road district, for the care and maintainance thereof.

Each township in Shelby county a road district for repair of improved roads.  
In certain other counties each township a road district

VOLUME

Page 65  
Sec. 4877.  
Amended  
80 O.L.24.

Page 65  
Sec. 4889.  
Amended.  
78 O.L.62.

Page 65  
Sec. 4899.  
Amended  
79 O.L.39.

SEC. 2. That sections 4877 and 4889 of the revised statutes of Ohio be and the same are hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
 R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed March 18, 1880.

[House Bill No. 245.]

#### AN ACT

To authorize certain townships to build railroads, and to lease or operate the same.

Somerset  
 township  
 Belmont  
 county au-  
 thorized to  
 build a rail-  
 road.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That whenever in any township, which by the federal census of 1870 had, and which by any subsequent federal census may have, a population of two thousand and forty-two, the township trustees thereof shall, by a resolution passed by a majority of the members elected thereto, declare it to be essential to the interest of such township that a line of railway, to be named in said resolution, should be provided between termini designated therein in said township, not exceeding seven miles in length, it shall be lawful for a board of trustees appointed as herein provided, and they are hereby authorized to borrow as a fund for that purpose, not to exceed the sum of twenty thousand dollars, and to issue bonds therefor, in the name of said township, bearing interest at a rate not exceeding six per centum per annum, payable semi-annually, said bonds to be payable at such time and places, and in such sums as shall be deemed best by said board. Said bonds shall be signed and sealed by the president of said board, and attested by the clerk of such township, who shall keep a register of the same, and they shall be secured by a mortgage on the line of railway and by the pledge of the faith of such township, and a tax which it shall be the duty of the trustees thereof, annually, to levy (which tax shall not exceed three mills on the dollar in any one year), to pay the interest and provide a sinking fund for the final redemption of said bonds: provided, that such township shall not in any one year levy taxes to a greater amount than seventeen mills on the dollar, including the levy for said bonds: and, provided, that no money shall be borrowed on bonds issued until after the question of providing the line of railway specified in said resolution shall be submitted to a vote of the qualified electors of such township, at a special election to be ordered by the township trustees thereof, of which not less than twenty days' notice shall be given by posting up notices at not less than five of the most public places in each of the

villages in such township, and by publishing, for three successive weeks, such notice in a newspaper, printed in the county wherein such township is located and of general circulation in such township: further provided, a majority of said electors, voting at such election, shall decide in favor of such line of railway. The returns of said election shall be made to the clerk of said township, and by him laid before the township trustees, who shall declare the result by resolution. The bonds issued under the authority of this section shall not be sold or disposed of for less than their par value.

SEC. 2. If a majority of the votes cast at said election shall be in favor of providing the line of railway, as specified in the first section, it shall be the duty of the township clerk, forthwith, to file a petition in the court of common pleas of the county in which such township is located, praying that the judge thereof will appoint five trustees, who shall be electors and freeholders of said township, to be called the trustees of ——— railway (the blank to be filled with the name of the railway, as given in the resolution), and it shall be the duty of said judge to make the appointment, and enter the same upon the minutes or journal of the court. They shall enter into bond to the township in such sum as the court may direct, with one or more sufficient sureties to be approved by the court, conditioned for the faithful discharge of their duties. The bond so taken shall be deposited with the township treasurer for safe keeping.

SEC. 3. The said board of trustees and their successors shall be the trustees of said fund, and shall have the control and disbursement of the same. They shall expend said fund in procuring the right to construct, and in constructing a railway, with all the proper appendages, and, if deemed necessary, a line of telegraph between the termini specified in said resolution, and, for the purpose aforesaid, shall have the power and capacity to make contracts, appoint, employ, and pay officers and agents, and to acquire, hold, and possess all the necessary real and personal property and franchises. They shall also have power to receive donations of land, money, bonds, and other personal property, and to dispose of the same in aid of said fund.

SEC. 4. The said trustees shall form a board, and shall choose one of their number president, who shall also be the acting trustee, with such powers as the board may, by resolution, from time to time, confer upon him. A majority of said trustees shall constitute a quorum, and shall hold regular meetings for the transaction of business, at their regular office in the township under whose action they are appointed, but they may adjourn, from time to time, to meet at any place they may think proper. They shall keep a record of their proceedings, and cause to be kept a full and accurate account of their disbursements, and make a report of the same to the township clerk whenever requested so to do by a resolution of the township trustees. No money shall be

drawn from said fund but upon the order of said board, except their own compensation, which shall be paid out of the same upon the recommendation of the township trustees, by resolution duly adopted, and allowed by the court appointing them.

SEC. 5. Said trustees shall have power to take such security from any officer, agent, or contractor chosen, or appointed, or employed by them, as they shall deem advisable. They shall not become surety for any such officer, agent, or contractor, or be interested, directly or indirectly, in any contract concerning said railway. They shall be responsible only for their own acts.

SEC. 6. Whenever the township trustees, or any one of them, of any township under whose action a board of trustees has been appointed, as herein provided, shall have reason to believe that any one of the latter has failed in the faithful performance of his trust, it shall be the duty of such township trustees to apply to the court that appointed said board of trustees, by petition, praying that one be removed and another be appointed in his place; and if the said township trustees shall fail to make application after request of any of the holders of the bonds issued by said board of trustees, or by a tax-payer of such township, such bondholder or tax payer may file a petition in his own name, on the behalf of the holders of such bonds, for like relief, in any court having jurisdiction; and if the court hearing the action shall adjudge in favor of the plaintiff, such court shall remove such trustee and appoint another in his stead; and when a vacancy shall occur in said board from any other cause, it shall be filled upon like petition and in like manner.

SEC. 7. Whenever, in the construction of a line of railway, as herein provided, it shall be necessary to appropriate land for the foundation of the abutments or pier of any bridge across any stream, or for any other purpose, or to appropriate any rights or franchises, proceedings shall be commenced and conducted in accordance with the laws in force at the time for the appropriation of such private property for the use of corporations, except that the oath and verdict of the jury and judgment of the court shall be varied to suit the case.

SEC. 8. Whenever there shall be, between the termini designated in any resolution passed under this act, a railroad already partially constructed, or rights of way acquired therefor, which can be adopted as part of the line provided for in said resolution, the trustees of said line may purchase or lease the said railroad, or right of way, and pay for the same out of the trust fund.

SEC. 9. Whenever, in the construction of a line of railway, as herein provided, the said board of trustees shall find it necessary to use or occupy any street, alley, or other public way, space, or ground, or any part thereof, of any incorporated village in said township, proceedings shall be com-

menced and conducted in accordance with the laws in force at the time for the appropriation of such rights or easements by street railway corporations, except that the oath and verdict of the jury and the judgment of the court shall be so varied as to suit the case.

SEC. 10. On the final completion of any line of railway, constructed under the provisions of this act, the board of trustees shall have power to lease the same to any person, or persons, or company, as will conform to the terms and conditions which shall be fixed and provided by the trustees of the township by which the line of railway is owned.

SEC. 11. That the trustees of any township described in this act may, after trustees have been appointed, as provided in this act, advance to said trustees, out of any funds of said township, such sum as is necessary, not exceeding five hundred dollars, for carrying the object for which they were appointed into effect, and said sum shall be repaid out of the trust fund provided for in this act, when raised.

SEC. 12. Deeds and contracts may be made, and proceedings for appropriations and actions may be commenced, either in the name of such township providing the line of railway, or in the name of the trustees of \_\_\_\_\_ railway (filling the blank with the name given to the railway in the resolution), and said proceedings may be commenced and conducted, either in the court of common pleas or probate court, as in cases of appropriation for the use of municipal corporations.

SEC. 13. This act shall take effect and be in force from and after its passage.

THOS A COWGILL,

*Speaker of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Passed March 18, 1880.

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[House Bill No. 364.]

#### AN ACT

Supplementary to chapter two, division six, title one, part three, of the revised statutes, relating to proceedings in error on attachment.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the following sections be enacted as supplementary to the above mentioned chapter of the revised statutes, with sectional numbering, as herein provided:

Section 5563a. A party to a suit affected by an order discharging or refusing to discharge an order of attachment, may file a petition in error to reverse, vacate, or modify the same, as in other cases; and the original action shall pro-

Party affected by order discharging attachment may file petition in error to reverse, vacate, or modify same.



70,  
§5563b A.m.  
84 v. 18.

Court to fix  
time within  
which peti-  
tion in error  
may be filed.

Petition to  
give bond.

Administra-  
tor or execu-  
tor may file  
petition.

ceed to trial and judgment in every respect, as though no petition in error had been prosecuted. [54 v. 26, §§ 1, 4.]

Section 5563b. When an order discharging an order of attachment is made, and a party affected thereby excepts thereto, the court or judge shall fix the number of days, not to exceed thirty, in which such party may file his petition in error, and during which it shall be filed, and the attached property held by the sheriff or other officer; the party who files the petition in error shall give an undertaking to the adverse party, with surety to be approved by the clerk of the district court, in double the amount of the appraised value of the property attached, conditioned to pay such adverse party all damages sustained by him in consequence of the filing of the same, in the event of the discharge of the order of attachment by the court in which the petition in error is filed, because the same was wrongfully obtained; and when such petition in error is filed, and an undertaking given, the sheriff, or other officer, shall continue to hold the property attached, subject to the further order of the court. [58 v. 14, § 2.]

Section 5563c. If a party who excepts to an order discharging or refusing to discharge an order of attachment die within the time limited for filing his petition in error, the administrator or executor of such deceased party may, at any time within thirty days after his appointment and qualification, file his petition in error, and thereby become a party to the action, and shall not be required to give the undertaking required by the preceding section; but no such petition in error shall be filed by an executor or administrator after one year from the time such order is made. [54 v. 26, § 3.]

SEC. 2. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed March 18, 1880.

[Senate Bill No. 5.]

#### AN ACT

To consolidate the first and fourth subdivisions of the ninth judicial district and to provide judges therefor.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That sections 7982 and 7983 of the revised statutes of Ohio be so amended as to read as follows:

Section 7982. That the counties of Stark, Carroll, and Columbiana shall hereafter constitute the first subdivision of the ninth judicial district of the State of Ohio. The counties of Trumbull, Portage, and Mahoning shall constitute

70,  
§7982 See  
83 v. 10.

Defining  
subdivisions  
of ninth  
judicial dis-  
trict.

the second subdivision, and the counties of Geauga, Lake, and Ashtabula shall constitute the third subdivision of said district, and together these counties shall compose and form said ninth judicial district.

Section 7983. That the judges of common pleas heretofore elected and holding office in the territory comprising the several subdivisions of the said judicial district shall serve out their judicial terms therein, and be judges of said several subdivisions as hereby formed, and at the election of state officers next preceding the expiration of their said terms respectively, and each and every five years thereafter, their successors in office shall be elected by the electors of said several subdivisions respectively, so that there shall continue to be two judges in said first subdivision, two in the second subdivision, and two in the third subdivision; but nothing herein shall be so construed as to interfere with the holding of the terms of court in either of the said counties, as the same are now fixed for the year 1880.

SEC. 2. That sections 7982, 7983, 7984, 7985, and 7986 be and the same are hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed March 19, 1880.

[Senate Bill No. 22.]

#### AN ACT

To amend section 5340, chapter five, revised statutes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 5340 of the revised statutes be so amended as to read as follows:

Section 5340. The plaintiff, if a non-resident of the county in which the action is brought, or a partnership suing by its company name, or a corporation when insolvent, must furnish sufficient security for costs; the surety must be a resident of the county and approved by the clerk, and his obligation shall be complete by indorsing the summons, or signing his name on the petition as surety for costs. He shall be bound for the payment of all costs which may be adjudged against the plaintiff in the court in which the action is brought, or in any other court to which it may be carried; and for all costs which may be taxed against the plaintiff in such action, whether he obtain judgment or not; but the plaintiff may deposit with the clerk of the court such sum of money, as security for costs in the case, as, in the opinion of the clerk, will be sufficient for the purpose;

Judges to serve out their terms in subdivisions in which elected.

Two judges in each subdivision.

When plaintiff must give security for costs.

Page 71  
Sec. 5340.  
Amended,  
80 O.L.11.

and the court may, on motion of the defendant, and if satisfied that such deposit is not sufficient, require the same to be increased, or personal security to be given.

SEC. 2. That said original section 5340 be and the same is hereby repealed.

SEC. 3. This act shall take effect from its passage.

THOS. A. COWGILL,

*Speaker of the House of Representatives.*

R. G. RICHARDS.

*President pro tem. of the Senate.*

Passed March 19, 1880.

[Senate Bill No. 57.]

### AN ACT

To amend section 797 of the revised statutes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section seven-hundred and ninety-seven of the revised statutes of the state of Ohio be and the same is hereby amended to read as follows:

Section 797. Such plans, drawings, representations, bills of material, and specification of work, and estimates of the cost thereof, in detail and in the aggregate, as are required in the two preceding sections of this chapter to be made, if they relate to the building of any court-house or jail, or any addition thereto, alteration, or repair or improvement thereof, shall be submitted to the commissioners, together with the clerk of the court, the sheriff, probate judge, and one person to be appointed by the judge of the court of common pleas for their approval; and if approved by them, or a majority of them, a copy thereof shall be deposited with the county auditor to be safely kept in his office; and if the said plans, drawings, representations, bills of material, specifications of work and estimates relate to the building, addition to, or alteration of an infirmary, then the same shall be submitted to said commissioners and infirmary directors, and if approved by them or a majority of them, a copy thereof shall, in like manner, be deposited in the office of the auditor, and safely kept for the inspection and use of parties interested; and if said plans, drawings, representations, bills of material, specifications of work and estimates relate to the building of a bridge, then the same shall be submitted to said commissioners, county auditor and county surveyor, and if approved by a majority of them, a copy thereof shall, in like manner, be deposited with the county auditor, and be kept for the purpose hereinbefore stated.

SEC. 2. That the original section seven hundred and ninety-seven be and the same is hereby repealed.

Plans, drawings, etc., of public buildings, by whom to be approved.

SEC. 3. This act to take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
 R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed March 19, 1880.

[Senate Bill No. 65]

AN ACT

To amend sections twenty-eight hundred and thirteen (2813), twenty-eight hundred and fifteen (2815), and twenty-eight hundred and seventeen (2817), of the revised statutes of 1880.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That sections twenty-eight hundred and thirteen (2813), twenty-eight hundred and fifteen (2815), and twenty-eight hundred and seventeen (2817), be amended so as to read as follows:

Section 2813. The auditor, surveyor, and commissioners of such county shall compose the county board of equalization of the real property within the county, except that within any city of the first or second class; and they shall convene at the office of the county auditor on the second Monday of August, one thousand eight hundred and eighty, and every tenth year thereafter; and each shall be sworn, faithfully and impartially, to equalize the value of real estate within the county that is within their jurisdiction, according to law; any three of them shall form a quorum, and the auditor shall keep a full and accurate record of the proceedings and orders of the board. [65 v. 166, § 39.]

How county board of equalization constituted; its organization; time of meeting.

Section 2815. In each city of the first and second class there shall be a decennial board for the equalization of the value of the real property within such city, to be composed of the county auditor and six citizens of such city, appointed by the council thereof; they shall convene at the office of the county auditor on the third Monday of September, in the year one thousand eight hundred and eighty, and every tenth year thereafter, and they shall severally take the same oath as that prescribed for members of the decennial county board; and a record of their proceedings and orders shall be kept by the auditor. [65 v. 166, § 40.]

City board, how constituted and organized.

Section 2817. Each county auditor shall, on or before the first Monday of November, one thousand eight hundred and eighty, and every tenth year thereafter, make out and transmit to the auditor of state an abstract of the real property of each township in his county, in which he shall set forth:

County auditor to make abstract of real property.

First—The number of acres, exclusive of town lots, returned by the several assessors of his county, with such additions as shall have been made thereto.

Second—The aggregate value of such real property, other than town lots, as returned by the several assessors of his county, inclusive of such additions as shall have been made thereto under the provisions of this title.

Third—The aggregate value of the real property in each township of his county, as returned by the several assessors, with such additions as shall have been made thereto. [65 v. 166, § 41; S. & S. 751.]

SEC. 2. That the above recited original sections be and the same are hereby repealed.

SEC. 3. This act shall take effect and be in force on and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed March 19, 1880.

[Senate Bill No. 71.]

#### AN ACT

To amend section 2669, chapter 15, division 8, title 12 of an act entitled "an act to revise and consolidate the general statutes of Ohio," passed June 20, 1879 (vol. 1, p. 691.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section twenty-six hundred and sixty-nine, chapter fifteen, division eight, title twelve of an act entitled "an act to revise and consolidate the general statutes of Ohio," passed June 20, 1879, be so amended as to read as follows:

Section 2669. The council of any city or village may provide by ordinance for licensing all exhibitors of shows, or performances of any kind not prohibited by law, hawkers, peddlers, auctioneers of horses and other animals on the highways or public grounds of the corporation, venders of gunpowder and other explosives, taverns and houses of public entertainment, and hucksters in the public streets or markets, and, in granting such license, may exact and receive such sum of money as it may think expedient: provided, that in cities and villages the council may confer upon, vest in, and delegate to the mayor of such city or village the authority to grant and issue licenses and revoke the same: provided further, that nothing herein contained shall be construed to limit the power conferred upon cities and villages in section 1692 of said revised statutes.

SEC. 2. Said original section 2669 is hereby repealed, and

74, § 2669. General  
Am. licensing  
82 v. 148. powers of  
city or  
village.

this act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed March 19, 1880.

[Senate Bill No. 95.]

AN ACT

To amend section 670 of the revised statutes of 1880.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section six hundred and seventy of the revised statutes be so amended as to read as follows:

Section 670. Compensation shall be paid the following named officers and employes, at not exceeding the sums herein stated: To the matron, four hundred dollars per year; to the assistant matrons, three hundred dollars each per year; the housekeeper, three hundred dollars per year; the principal teacher in the literary department, seven hundred dollars per year; all other teachers in the literary department, four hundred and fifty dollars each per year; the professor of music, one thousand dollars per year; all other teachers of music, three hundred dollars each per year; the teacher of bead-work, one hundred and fifty dollars per year; the foreman of broom shop, six hundred dollars per year; the engineer, one thousand dollars per year.

Compensation of employes of institution for the blind.

75, § 670.  
Am.  
82 v. 227.

SEC. 2. The original section 670 is hereby repealed; and this act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed March 19, 1880.

[Senate Bill No. 123.]

AN ACT

To amend section 2807, of title 13, chapter 4, of the revised statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 2807, of title 13, chapter 4, of the revised statutes of Ohio be amended so as to read as follows:

Page 76  
Sec. 2807  
Amended  
77 O. L. 191.

Duties and  
powers of an-  
nual boards  
of equaliza-  
tion.

Section 2807. The said boards shall hear complaints and equalize the assessments of all personal property, moneys and credits, new entries and new structures, returned for the current year, by the township assessors; and they shall have power to add to or deduct from the valuation of the personal property, or moneys, or credits of any person, firm, or corporation, returned by the assessor, or which may have been omitted by him, or to add other items, upon such evidence as shall be satisfactory to the said board, whether said return be made upon oath of such person, or upon the valuation of the assessor; and if any person notified to appear before said board shall decline, neglect, or refuse to appear, after due notice has been served upon such person, firm, or corporation, his or their agent or clerk, or by mail to the last known place of residence, or otherwise, then upon such declination, neglect, or refusal, said board shall add such amount as it shall deem just and proper; but when any addition shall be ordered to be made, whether to a list returned under oath, or upon an original assessment, a statement of the facts on which such addition was made shall be entered on the journal of the board; and when any reduction shall be ordered to be made in the amount of personal property, or moneys and credits of any person, firm, or corporation, a statement of the facts on which such reduction was made shall be entered on the journal of the board.

SEC. 2. This act shall take effect and be in force from and after its passage; and section 2807 of the above recited act is hereby repealed.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed March 19, 1880.

[House Bill No. 163.]

#### AN ACT

Making an appropriation to construct two culverts under the Miami and Erie canal, in the village of New Bremen, Anglaize county, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of public works are hereby authorized and directed, without unnecessary delay, to advertise for proposals to construct two culverts under the canal in the village of New Bremen; and if the contract can be let at a cost not to exceed two thousand dollars to the state, they shall proceed to let the construction thereof to the lowest and best bidder, or reject any and all bids.

SEC. 2. That there be and hereby is appropriated out of any money in the treasury to the credit of the general reve-

nue fund, and not otherwise appropriated, the sum of two thousand dollars to pay in full for said culverts.

Sec. 3. This act shall be in force on its passage.

THOS. A. COWGILL,

*Speaker of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Passed March 9, 1880.

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[Senate Bill No. 43.]

AN ACT.

To amend sections sixty-one hundred and eighty-nine, and sixty-one [sixty-two] hundred and sixty-nine of the revised statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section six thousand one hundred and eighty-nine of the revised statutes of Ohio be amended so as to read as follows :

Section 6189. An executor or administrator who has paid all the debts of an estate, and has in his possession notes, bonds, stocks, claims, or other rights in action belonging to the estate, may, with the approval of the probate court, entered on its journal (and with the assent and agreement of the persons entitled to the proceeds of such assets as distributees, including executors, trustees, and guardians), distribute and pay over the same, in kind, to those of such distributees as will receive the same; and any such executor or administrator, when the debts are all paid, except claims in suit and contested, or liabilities not due and payable, or both, may provide for the payment of such claims and liabilities, by setting apart to the satisfaction of the probate court, enough of the assets for that purpose, and having done so, he may, with the approval, assent, and agreement, aforesaid, distribute and pay over in cash, or in kind, all or any part of the assets in his hands, and not set apart, aforesaid, to such of said distributees, including executors, trustees, and guardians, as may be willing to receive the same. Such executors, trustees, and guardians shall be liable to return such assets, or the proceeds thereof, should the same be necessary to pay the said claims or liabilities; and each of the other distributees shall give an indemnifying bond to the executor or administrator, to the satisfaction of the probate court for the same purpose. A distribution, in kind, in either case, shall have the same force and effect as the distribution of the proceeds of such assets.

Executor or administrator may distribute certain assets in kind.

Sec. 2. That section six thousand two hundred and sixty-nine of the revised statutes of Ohio be amended as follows:

Section 6269. The following shall be the duties of every



Duties of  
guardians of  
person and  
estate.

guardian of any minor, who may be appointed to have the custody of such minor and take charge of the estate of such minor, to wit:

First—To make out and file, within three months after his appointment, a full inventory, verified by oath, of the real and personal estate of his ward, with the value of the same, and the value of the yearly rent of the real estate; and failing so to do for thirty days after he shall have been notified of the expiration of the time by the probate judge, said probate judge shall remove him and appoint a successor.

Second—To manage the estate for the best interest of his ward.

Third—To render, on oath, to the proper court, an account of the receipts and expenditures of such guardian, verified by vouchers or proof, once in every two years, or oftener, upon the order of the court, made upon motion of any person interested in said ward or the property of such ward, for good cause shown by affidavit, and failing so to do for thirty days after he shall have been notified of the expiration of the time by the probate judge, he shall receive no allowance for services, unless the court shall enter upon its journal such delay was necessary and reasonable: provided, that in all cases where the whole estate of said ward, or of several wards jointly, under the same appointment of guardianship, shall not exceed two hundred dollars in value, said guardian shall only be required to render such account upon the termination of said guardianship, or upon the order of said court, made upon its own motion, or the motion of some person interested in said ward or wards, or in his, her, or their property, for good cause shown, and set forth upon the journal of said court.

Fourth—At the expiration of his trust, fully to account for and pay over to the proper person all of the estate of his ward remaining in his hands.

Fifth—To pay all just debts due from such ward, out of the estate in his hands, and collect all debts due such ward, and, in case of doubtful debts, to compound the same, and to appear for and defend, or cause to be defended, all suits against such ward.

Sixth—When any ward has no father, or having a father who is unable or fails to educate such ward, it shall be the duty of his guardian to provide for him such education as the amount of his estate may justify.

Seventh—To loan or invest the money of his ward within a reasonable time after he receives it, in notes or bonds secured by first mortgage on real estate of at least double the value of the money loaned or invested, exclusive of improvements, timber, or minerals, subject to destruction or exhaustion, in bonds of the United States, or of any state on which default has never been made in the payment of interest, or bonds of any county or city in this state, issued in

conformity to law; or, with the consent and approbation of the probate court, in productive real estate within this state, the title to which shall be taken in the name of the guardian as such; and to manage such investments, and when deemed proper, change the same into any other investment of the above classes; but no real estate so purchased shall be sold by the guardian, except with the consent and approbation of the probate court; and if said guardian fail to loan or invest the money of his ward within such reasonable time, he shall account on settlement for such money and interest thereon, calculated with annual rests; and also to settle and adjust, when necessary or desirable, the assets which he may receive, in kind, from an executor or administrator, as may be most advantageous to his wards, but before such settlement and adjustment shall be valid and binding, it shall be approved by the probate court, and such approval entered on its journal; and with the like approval, to hold the assets as received from the executor or administrator, or what may be received in the settlement and adjustment of said assets.

Eighth—To obey and perform all orders and judgments of the proper courts touching the guardianship.

SEC. 3. That sections six thousand one hundred and eighty-nine and six thousand two hundred and sixty-nine be and the same are hereby repealed.

Repeals.

SEC. 4. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed March 25, 1880.

[Senate Bill No. 1.]

#### AN ACT

Supplementary to chapter eight (8), title one (1), part four (4), of the revised statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the following section be enacted as supplementary to chapter 8, title 1, part 4, of the revised statutes with sectional number as herein provided:

Section 6986a. That whoever sells, barter, or gives away to any minor under the age of fourteen years, any air-gun, musket, rifle-gun, shot-gun, revolver, pistol, or other fire arm, of any kind or description whatever, or ammunition for the same, or whoever being the owner, or having charge or control of any such air-gun, musket, rifle-gun, shot-gun, revolver, pistol or other fire-arm knowingly permits the same to be used by such minor, shall be deemed guilty of a misdemeanor, and

AWS.

Penalty for  
selling or  
giving, etc.  
fire-arms to  
minors.

Page 79  
Sec. 6986a.  
Supplem.  
80 O.L. 222.

upon conviction thereof shall be fined in any sum not exceeding one hundred dollars, or be imprisoned in jail not exceeding thirty days or both.

SEC. 2. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed March 25, 1880.

[Substitute for House Bill No. 72.]

# AN ACT

To amend section 3897 of the revised statutes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section three thousand eight hundred and ninety-seven of the revised statutes be so amended to read as follows:

Section 3897. In city districts of the first class, the board of education shall consist of two members for each ward, except in districts organized under a law providing for one member only for each ward, in which districts the board may at any time, by a vote of a majority of its members, provide that thereafter each ward shall be represented by two members, and thereupon proceed to choose one additional member for each ward, to serve until the next annual election for city officers, and until the election and qualification of his successor; and each member of the board shall be an elector of the ward for which he is elected or appointed: provided, that in city districts of the first class, having a population, according to the last federal census, of one hundred and fifty thousand and over, the board of education shall consist of thirty-seven members, twelve of whom shall be elected at the April election of the current year, to hold office as follows: The four members who receive the highest number of votes for three years, the four who receive the next highest number of votes for two years, the four who receive the next highest number of votes for one year; and thereafter there shall be elected, annually, four members to serve for three years. In case of a tie vote the choice of terms shall be determined by lot. And the remaining twenty-five members shall consist of those members of the board of education elected at the April election in 1879, and whose terms of office do not expire until April, 1881; that, beginning with the April election of 1881, one member shall be elected from each ward of said cities; and such of said members as shall have been elected by wards having an odd numerical

Board of education in city districts of the first class; how constituted.

80, § 3897.  
Am.  
82 v. 7.

designation shall serve for a term of one year, and such as shall have an even numerical designation shall serve for the term of two years; and, annually thereafter, as the term of the members elected by said wards shall expire, successors shall be elected to hold for the term of two years. The members elected under this act shall hold office until their successors are elected and qualified: provided, that the board of education, established by this act, shall be in all respects the successors of the respective boards whose places they take.

Sec. 2. The said original section number 3897 of the revised statutes be and the same is hereby repealed.

Sec. 3. This act shall take effect from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed March 25, 1880.

[House Bill No. 246.]

#### AN ACT

Amendatory of and supplementary to section 2805 of the revised statutes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 2805 of the revised statutes, passed June 20, 1879, entitled "an act to revise and consolidate the general statutes of Ohio," be so amended as to read as follows:

Section 2805. In each city of the third grade of the first class, and each city of the second class, there shall be an annual board for the equalization of the value of the real and personal property, moneys, and credits in such city, to be composed of the county auditor and six citizens of such city, appointed by the council thereof; said board shall meet at the office of the county auditor on the fourth Monday of May, and shall close their session on or before the second Monday of July the next following, except in cities of the third grade of the second class the board shall close their session on or before the fourth Monday of June following. The board shall have power to equalize the value of the real and personal property, moneys, and credits within such city, and shall be governed by the rules, provisions, and limitations prescribed in the next preceding section for annual county boards. The members shall each be entitled to receive the following fees for each day necessarily employed in the performance of their duties: As members of city boards of the first class and of the first and second grades of the second class, five dollars per day; and members of city boards of the third grade of the second class, two dollars and fifty cents

Annual city board of equalization; how constituted and organized.

Page 81  
Sec. 2805.  
77 O.L.182.  
78 O.L.179.

per day, to be paid out of the county treasury. And in each city of the first and second grades of the first class there shall be a like annual board, with the same powers and duties, to be composed of the county auditor and six citizens of such city, to be appointed by the council, the first appointment being of two for one year, two for two years, and two for three years, and thereafter, annually, two shall be appointed for three years; and all vacancies shall be filled for the unexpired terms. Said board shall meet at the office of the county auditor on the fourth Monday of May, and, including the board now elected, shall close their session on or before the fourth Monday of August; and it may appoint all necessary clerks, not exceeding six; each member, except the auditor, shall receive five dollars per day, and each clerk three dollars per day for their services, for the time actually employed in the discharge thereof, which shall be paid out of the county treasury. Said board shall be authorized to administer any oath which it may deem necessary to the proper discharge of its duties.

Page 89  
Sec. 2805a.  
Amended.  
78 O. L. 179.

Section 2805a. And in each city of the second grade, class first, the county auditor may, whenever he may deem it necessary, call together the annual city board of equalization on the second Monday of January of each year, and said board, when so called together, shall sit as a board of revision of such acts done by it as a board of equalization at the previous meeting thereof, as the county auditor may present to it for its revision, but before acting as a board of revision, the members thereof shall be sworn by a competent officer to a faithful discharge of their duties as such board; and any refunder, abatement, or change of value which said board of revision may recommend to be made, shall be deemed and held, in case of refunder or abatement, to be sufficient authority for the county auditor to issue his order of refunder or abatement on the county treasurer; and in case of change of value such recommendation of change by said board shall be deemed and held sufficient authority for said officer to enter the same in his book of additions and deductions; and all acts of the said board of revision shall be subject to an appeal through the county auditor to the auditor of state. Said board of revision shall have power to administer any oath which it may deem necessary to the proper discharge of its duties. It shall not continue in session for a longer time than one week; public notice shall be given, by the county auditor, of each meeting of said board, and its members shall be paid the same amount per day as when sitting as a board of equalization.

SEC. 2. That said original section 2805 be and the same is hereby repealed.

SEC. 3. This act shall be in force and take effect from and after its passage.

THOS. A. COWGILL,

*Speaker of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Passed March 25, 1880.

[House Bill No. 253.]

## AN ACT

To authorize municipal corporations to use or grant the use of the streets, avenues, alleys, and public places for certain purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That any municipal corporation may, by ordinance, use or grant the use of its streets, avenues, alleys, lanes, and public places, to lay pipes and drains under the surface thereof, to be used for the purpose of supplying its inhabitants with heat and power, upon such terms as such corporation may deem proper.

SEC. 2. That in all municipal corporations which may have heretofore, by ordinance, authorized the use, by any person or corporation, of the streets, avenues, alleys, lanes, and public places of such municipal corporation, for the purpose of laying pipes and drains below the surface thereof to convey and supply its inhabitants heat and power, such ordinances shall be held as valid and binding as if the power in all such municipal corporations to so grant such use of its streets, avenues, alleys and public places had been expressly enumerated in the general municipal corporation act now in force; provided, that the councils of such corporations are empowered to regulate, by ordinance, at intervals of five years, the price which such person or company may charge for such heat or power.

SEC. 3. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed March 25, 1880.

Municipal corporations may grant the use of streets, alleys, etc., to lay pipe for supplying heat and power.

Where granted before passage of this act valid.

[House Bill No. 433.]

## AN ACT

Supplementary to chapter 5, title 11, part second of the revised statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the following section be enacted as supplementary to chapter 5, title 2, part second, of the revised statutes, with sectional numbering, as herein provided:

Section 3498a. The county commissioners of any county in the state, when petitioned to do so by at least fifty freeholders, citizens of the counties, shall and they are hereby authorized and required to purchase any or all of the toll roads, or parts of toll roads, within said counties, as herein-after provided; provided, however, that before such purchase is made, the commissioners of the county in which the people shall vote in favor of purchasing the toll roads, shall

County commissioners may purchase toll roads when petitioned to do so.

Question of  
purchase to  
be submitted  
to vote.

make an order to that effect on their journals, and submit the purchase to the voters of said county either before or after an appraisement of the value of the roads has been had, at any regular spring or fall election, giving at least ten days' notice thereof, in at least two newspapers published in the county; and at such election the voters who are in favor of such purchase shall inscribe on their ballots, "Purchase of toll roads, Yes;" and those opposed thereto shall inscribe on the ballots "Purchase of toll roads, No;" and if at any such election a majority of those voting on said question are in favor of such purchase, the said commissioners may make such purchase, but not otherwise. The vote on said question shall be returned by the judges of the election to the clerk of the court of common pleas, who shall open, count, and declare the same, as in an election for county officers, and certify the same to the county commissioners.

SEC. 2. This act shall take effect on its passage.

THOS. A. COWGILL,

*Speaker of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Passed March 25, 1880.

[House Bill No. 184.]

#### AN ACT

To amend section 6966 of the revised statutes

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 6966 of the revised statutes of Ohio be and hereby is amended to read as follows :

Section 6966. Whoever, without having received verbal or written permission from the owner, his agent, or a person in charge of inclosed or improved lands, or any lands, the boundaries of which are defined by stakes, posts, water courses, ditches, or marked trees, hunts, or shoots at, kills, or pursues with such intent, or with intent of capturing alive, on such lands, any of the birds or game mentioned in sections sixty nine hundred and sixty, and sixty-nine hundred and sixty-one, and sixty-nine hundred and sixty-three, or any other birds, game, or animals, shall be fined not more than twenty-five nor less than five dollars, or imprisoned not more than thirty nor less than five days, or both.

SEC. 2. This act shall take effect from and after its passage.

THOS. A. COWGILL,

*Speaker of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Passed March 26, 1880.

Penalty for  
shooting or  
hunting on  
lands of an-  
other.

Page 84  
Sec. 6966.  
Amended,  
80 O. L. 93.

## [House Bill No. 34.]

## AN ACT

To amend section 7034, and to repeal sections 3765 and 3766, revised statutes of Ohio.

Page 85  
Sec. 7034.  
Supplem.  
81 O.L. 92.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 7034 be so amended as to read as follows:

Section 7034. Whoever, without lawful authority, willfully opens the grave or tomb where any corpse has been deposited, or removes any corpse from its place of sepulture, or knowingly delivers any corpse so unlawfully removed to another for medical or surgical study, and whoever receives, conceals, or secretes any corpse so removed or delivered, knowing it to have been so removed or delivered, shall, upon conviction thereof, be imprisoned in the penitentiary not more than five years nor less than one year; and whoever assists in any surgical or anatomical experiment or demonstration upon any corpse unlawfully obtained, knowing it to have been so unlawfully obtained, shall be fined not more than one thousand dollars nor less than one hundred dollars, or imprisoned not more than one year nor less than six months, or both.

SEC. 2. Sections 3765 and 3766, and the original section 7034, shall be and are hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage

Penalty for  
grave rob-  
bing.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of Senate.*

Passed March 26, 1880.

## [House Bill No. 56.]

## AN ACT

To amend section forty, chapter one, title two, of the revised statutes of Ohio, page 191.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section forty, of chapter one, title two, be amended so as to read as follows:

Section 40. Each member of the general assembly shall receive for his term of office the sum of twelve hundred dollars, one-half thereof to be paid each year, in monthly installments, not exceeding one hundred and fifty dollars: provided, that there shall be paid at the close of each session the amount due for that year, and also twelve cents per mile

Salary and  
mileage of  
the members  
of the  
general  
assembly.



each way for traveling from and to his place of residence, by the most direct route of public travel to and from the seat of government, but if any member is absent without leave, or is not excused on his return, there shall be deducted from his compensation the sum of five dollars for each days' absence.

SEC. 2. That said original section forty be and the same is hereby repealed.

SEC. 3. This act shall be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
 R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed March 26, 1880.

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[House Bill No. 231.]

AN ACT

To amend section four thousand nine hundred and twenty-two of the revised statutes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section four thousand nine hundred and twenty-two be amended to read as follows:

When commissioners may build embankments.

Section 4922. When any of the principal public roads in any county, except turnpike roads, over which tolls are collected, are subject to overflow or inundation, so as to render the same at any time unfit for public travel, or hinder free and necessary transportation, the commissioners of such county may repair or reconstruct such roads by changing the beds of small streams to avoid crossing, or to change roads to avoid bridges, where the public travel would be better accommodated, or by building embankments or levee sufficiently elevated above all such overflows or inundation; and the expenses of such embankment, changes, or levee shall be paid out of the money in the county treasury, or that may be hereafter raised by taxation, for road or bridge purposes.

SEC. 2. Said section 4922 be and the same is hereby repealed; and this act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
 R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed March 26, 1880.

## AN ACT

To amend section one thousand and one of the revised statutes of Ohio, providing for the election of county solicitors.

Page 87  
Sec. 1001.  
Amended  
81 O. L. 193.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section one thousand and one of the revised statutes of Ohio, in force January 1, 1880, be so amended as to read as follows:

Section 1001. There shall be elected at the next annual fall election, and thereafter biennially, by the qualified electors of any county containing a city of the first class having a population exceeding one hundred and eighty thousand, a solicitor to the board of county commissioners and board of control of such county, who shall be an attorney-at-law, and shall hold his office for two years from the first Monday of January next after his election. He shall be the legal adviser of said boards of county commissioners and control, and shall prosecute or defend all suits and actions which either of said boards may direct, or to which they may be a party. He shall receive a salary of twenty-five hundred dollars per year, payable out of the county treasury on the certificate of the board of county commissioners and warrant of the county auditor.

City solicitor  
Hamilton  
county; his  
term, duties,  
etc.,

SEC. 2. That section one thousand and one of the revised statutes aforesaid be and the same is hereby repealed.

SEC. 3. The commissioners of a county in which a solicitor is provided by this act, are hereby authorized to appoint a solicitor pro tempore to fill any vacancy occurring in said office, in April next, by the repeal of said section one thousand and one, of the revised statutes, or, in case a vacancy shall happen in said office by death, resignation, or otherwise, who shall perform the duties and receive the salary of county solicitor, and shall hold his office until his successor, at the annual fall election next ensuing such appointment, shall be elected and qualified under the provisions of section one of this act.

Vacancy,  
how filled.

SEC. 4. This act shall take effect and be in force from and after its passage: provided, that nothing herein contained shall affect the official term of any present incumbent of said office.

THOS. A. COWGILL.

*Speaker of the House of Representatives.*

R. G. RICHARDS.

*President pro tem of the Senate.*

Passed March 26, 1880.

[House Bill No. 252.]

## AN ACT

To amend section 2689 of the revised statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 2689, title twelve, division nine, chapter one, relating to finance and taxation, be so amended as to read as follows:

Maximum of  
tax allowed  
in municipal  
corporations.  
In Cincin-  
nati.

In Cleve-  
land.

In Toledo.

In Columbus  
and Dayton.

Section 2689. The aggregate of all taxes levied or ordered by any municipal corporation, including the levy for general purposes, above the tax for county and State purposes, and excluding the tax for school and school-house purposes, shall not exceed in any one year; in cities of the first grade of the first class, twelve mills, and such further rate as may be necessary to provide for the payment of the interest, and to create a sinking fund for the redemption of bonds issued, and that may be issued under the act relating to the Cincinnati Southern railway, passed May 4, 1869 (66 v. 80), and the acts amendatory thereof and supplementary thereto; in cities of the second grade of the first class, eleven mills, and such further rate as may be necessary to pay the interest on the public debt, and for cemetery purposes, as provided for by law; in cities of the third grade of the first class, nineteen mills; provided, however, that out of such funds the interest on the indebtedness of such corporation shall be first paid; in cities of the first and second grades of the second class, nine and five-tenth mills, and in addition thereto such further rate not exceeding five-eighths of one mill, as may be necessary to create a sinking fund for the payment of the principal and interest of the bonds of said cities that may hereafter be issued for the purpose of building and maintaining main trunk sewers in such cities; in cities of the third grade of the second class, twelve mills; in cities of the fourth grade of the second class, nine mills, in villages of the first class, eight mills; and in all other villages, ten mills, on each dollar of the value of any property, as valued for taxation on the county tax-list; provided, that the council shall, annually, at the time the rate of levy is fixed, provide by ordinance for the distribution of the tax among the several departments of the municipal corporation in such proportion to their needs, as council may deem necessary; and at no time hereafter shall the amounts therein specified as necessary for the purposes named, be changed; and all transfers of funds from one account to another are hereby expressly prohibited.

SEC. 2. That said section 2689 be and the same is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,

*Speaker of the House of Representatives.*

R. G. RICHARDS,

Passed March 27, 1880.

*President pro tem. of the Senate.*

[House Bill No. 408.]

## AN ACT

To amend section 2141 of the revised statutes of Ohio, and to repeal section 36 of an act entitled "An act authorizing the election of a board of police commissioners, and consolidating the same with the board of health in the cities of the first class with a population of less than one hundred and fifty thousand and over ninety thousand inhabitants at the last federal census," passed March 17, 1876.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 2141 of the revised statutes of Ohio, be so amended as to read as follows:

Section 2141. In cities of the first grade of the first class, and cities of the first grade of the second class there shall be no board of health, but the boards of police commissioners shall exercise all the powers and perform all the duties required of the board of health and mayor in this chapter, and in any city of the second grade or the first class in which the board of police commissioners have heretofore acted as a board of health when said last named board shall have been established by the city council of such city as provided in chapter one, division six, and title XII, of the revised statutes of Ohio, the said board of police commissioners shall, upon written demand therefor, made by the president of said board of health, transfer to last named board the balance of any fund or funds remaining in the hands of said board of police commissioners, either set apart by them for or under any levy made properly applicable to sanitary purposes, and the objects contemplated in the sixth division of title "XII" of the said revised statutes.

SEC. 2. That said original section 2141 and section 36 of an act entitled an act authorizing the election of a board of police commissioners, and consolidating the same with the board of health in the cities of the first class with a population less than one hundred and fifty thousand and over ninety thousand inhabitants at the last federal census, passed March 17, 1876, be and the same are hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed March 29, 1880.

Police commissioners in cities of first grade of first class and first grade of second class to act as board of health.

Page 89  
Sec. 2141.  
Amended.  
78 O.L.117.

AN ACT

To amend sections 6, 12, and 14 of an act entitled "an act supplementary to the act entitled 'an act relating to juries,'" passed April 26, 1873; also an act entitled "an act to amend section 2 of the act entitled an act relating to juries," passed April 26, 1873, passed March 9, 1876; also the act entitled "an act to regulate the fees of probate judges, clerks of the courts, sheriffs, witnesses, jurors' fees in partitions, and to repeal certain acts therein named," passed April 8, 1876.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That sections six, twelve, and fourteen of an act entitled "an act supplementary to the act entitled 'an act relating to juries,'" passed April 26, 1873, also an act entitled "an act to amend section 2 of an act entitled an act relating to juries, passed April 26, 1873, passed March 9, 1876, also the act entitled "an act to regulate the fees of probate judges, clerks of the courts, sheriffs, witnesses, jurors' fees in partitions, and to repeal certain acts therein named," passed April 8, 1876, be and the same are hereby amended to read as follows :

Challenge of  
juror for  
cause.

Section 6. That if there shall be impaneled for the trial of any case, any petit juror who has been convicted of any crime which by law renders him disqualified to serve on a jury, or who has an interest in the cause, or who has an action pending between him and either party, or who has formerly been a juror in the same cause, or who is either party's employer, employe, counselor, agent, steward, or attorney, or who is subpoenaed in good faith in the cause as a witness, or who is a kin to either party, or to his attorney, he may be challenged for cause, and in either of said cases the same shall be considered as a principal challenge, and the validity thereof tried by the court; and any petit juror who shall be returned for the trial of any cause, and against whom no principal cause of challenge can be alleged, may nevertheless be challenged on suspicion of prejudice against or partiality for either party, or for want of a competent knowledge of the English language, or any other cause that may render him at the time an unsuitable juror; and the validity of such challenge shall be determined by the court, and each party may peremptorily challenge two jurors.

Challenge on  
suspicion of  
prejudice.

No one re-  
quired to  
serve as  
juror more  
than three  
weeks in any  
one year.

Section 12. That no person shall be required to serve as a juror more than three weeks in any one year, beginning with the last Monday of April; and after any person shall have served three weeks in any such year, the court shall, on motion, discharge him from further service: provided, however, that nothing herein contained shall entitle or require any juror to be discharged from the grand jury during its session, or from a petit jury during the trial of a cause: and provided further, that all courts shall so arrange and conduct the witnesses as to require the attendance of jurors upon its business during as short a time as possible.

Section 14. That each grand and petit juror shall be allowed the sum of two dollars per day for each and every day he may serve, and five cents per mile from his place of residence to the county seat, and the compensation of such juror shall be certified by the clerk of the court, and the compensation so certified shall be paid by the county treasurer on the order of the county auditor.

Compensation of jurors.

SEC. 2. That said original sections six, twelve, and fourteen be and the same are hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed March 29, 1880.

[House Bill No. 438.]

#### AN ACT

Supplementary to sections 8356 to 8367, inclusive, of the revised statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That whenever it is deemed necessary by the board of trustees appointed under the act to which this is supplementary, for the completion of any railway and telegraph line contemplated by the said act to which this is supplementary to expend any further sum of money in addition to said eighteen thousand dollars, that the said board of trustees of such railway are hereby empowered and authorized to borrow as a fund for that purpose, not to exceed three thousand dollars, and to issue bonds therefor, under the same conditions, provisions, and restrictions as are provided for in said act to which this is supplementary for the borrowing and issuing of bonds, etc., for said eighteen thousand dollars.

Amending act authorizing Mt. Gil-ead to build a railway.

Page 91  
Act.  
Supplem.  
78 O.L. 45

SEC. 2. That the board of trustees appointed under the act to which this is supplementary be and they are hereby authorized to sell, and transfer and convey any and all real estate by them purchased in procuring the right of way for said railway that may be unnecessary for the complete and successful operation of said railway; that the president of said board of trustees may sign, seal, and acknowledge any and all said deeds upon authority for the same by resolution to that effect by said board of trustees.

Trustees authorized to transfer real estate purchased in procuring right of way.

SEC. 3. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed March 30, 1880.

[Senate Bill No. 159.]

## AN ACT

To amend section one thousand eight hundred and ninety-five of the revised statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 1895, of subdivision one, chapter five, of the fifth division, title twelve, be so amended as to read as follows:

Compensation of police force of Cincinnati.

Page 92  
Sec. 1895.  
Amended  
79 O. L. 132.

Section 1895. The officers and members of such police force shall receive such compensation as shall be fixed by the common council: provided, that the superintendent of police shall not receive a salary exceeding twenty-five hundred dollars (\$2,500), eight hundred dollars of which sum shall be paid by the county in which such city is situated; the inspector of police shall receive a salary not exceeding fifteen hundred dollars (\$1,500); lieutenants, not exceeding nine hundred dollars (\$900); police court officers, not exceeding eight hundred dollars (\$800); patrolmen, not exceeding eight hundred dollars (\$800), and station-house keepers, not exceeding six hundred dollars (\$600) per annum, each; and the clerk of the police department shall receive a salary not exceeding fifteen hundred dollars (\$1,500), and such assistants as may be necessary, a salary not exceeding one thousand dollars, each, per annum. And until the said salaries shall be fixed by the common council, they shall be fixed by the mayor: provided, the same shall not exceed the sums herein named, respectively.

SEC. 2. That section 1895 of the revised statutes of Ohio, passed February 27, 1880, be and the same is hereby repealed.

SEC. 3. That this act shall be in force and take effect from and after its passage.

JOHN A. WILLIAMSON,  
*Speaker pro tem. of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Passed March 30, 1880.

[Substitute for House Bill No. 14.]

## AN ACT

To amend sections 1708, 1709, 1711, and 1765 of the revised statutes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That sections 1708, 1709, 1711, and 1765 of the revised statutes be amended so as to read as follows:

Officers of cities of the first class.

Section 1708. In cities of the first grade of the first class there shall be a mayor, solicitor, treasurer, police judge, prosecuting attorney of the police court, and a clerk of that court, which officers shall be chosen by the electors; and a clerk, who shall be elected by the common council, and a comptroller, who shall be elected as hereinafter provided;

and in cities of the second and third grades of the first class, the same officers shall be chosen in the same manner, and an auditor, who shall be elected by council; and also a street commissioner, who shall be chosen by the electors; and a civil engineer, who shall be elected by the council; and in cities of the third grade of the first class there shall be a fire engineer appointed by the mayor, with the assent of the council: provided, that in cities of the third grade of the first class, and in cities of the second class embracing a county seat, there shall be no election for a city treasurer, but the county treasurer shall act as city treasurer, at a rate of compensation to be determined by the county commissioners, but not exceeding five hundred dollars a year; and the council of any city of the first class may provide by ordinance for the appointment of a sealer of weights and measures and fixing his compensation.

Section 1709. Officers who are elected shall serve two years, except the clerk of the police court, who shall serve three years, except that in cities of the first grade of the first class the city comptroller shall serve three years, and in cities of the second and third grades of the first class the city auditor and the civil engineer shall serve three years; in cities of the second grade of the first class the solicitor shall serve four years; and all officers who are appointed shall serve one year, except as otherwise provided in this title.

Section 1711. Except as otherwise provided in this title, the appointment to every office created by law or ordinance shall be made by the mayor, with the advice and consent of the council; the concurrence of a majority of all the members elected shall be required to confirm an appointment, and in every vote resulting in confirmation, the names of those voting, and how they voted, shall be recorded: provided, that the city clerk, solicitor, treasurer, and clerk of the police court in cities of the first class, and the city comptroller in cities of the first grade of the first class, and the city auditor and civil engineers in cities of the second and third grades of the first class, shall each appoint his assistants, subject to the confirmation of the council.

Section 1765. In cities of the first grade of the first class the comptroller, and in cities of the second and third grades of the first class the auditor, shall have power to administer oaths and take affidavits, and such other powers, and shall perform such duties as may be prescribed by law, including those imposed by sections seventeen hundred and fifty-six (1756), seventeen hundred and fifty-seven (1757), and seventeen hundred and fifty-eight (1758), or by any ordinance of the corporation not inconsistent with the constitution and laws of this state and incompatible with the nature of his office. And in cities of the first grade of the first class the city comptroller shall have all the powers, exercise all the rights, and perform all the duties now provided by law or

Term of  
office.

93,  
§1709 A.m.  
§5 v. 225.

Appoint-  
ment of offi-  
cers, except  
as herein  
provided, to  
be made by  
mayor with  
consent of  
council.

Powers and  
duties of  
city comp-  
troller and  
auditor.



ordinance for city auditors in such cities; he shall attend the meetings of the finance committee of the common council of such cities; until otherwise provided by ordinance he shall have the same number of assistants, and they shall perform the same duties as is now provided for the assistance of the auditor in such cities; and, until otherwise provided by ordinance, he and his assistants shall receive such compensation as is now provided by law for such auditor and his assistants.

Election of  
comptroller  
in city of  
first grade of  
first class.

SEC. 2. At the first regular election held in every city of the first grade of the first class, on the first Monday of April next after the passage of this bill, there shall be elected by the electors of such city a comptroller, whose term of office shall begin on the fifteenth day of April next following, and who shall serve for three years, and until his successor is elected and qualified; and, until otherwise provided, such comptroller shall give bond in such sum and in such manner as is now provided for the auditor in such cities; and for the first election of such comptroller, it shall be sufficient if five days' previous notice of such election be given.

Comptroller  
when elected  
to take pos-  
session of  
books, pa-  
pers, etc.

SEC. 3. Immediately upon the election of a comptroller, and his qualification, as hereinbefore provided, the office of auditor in such city shall then cease and determine, and such comptroller shall thereupon take possession of all the records, books, papers, vouchers, and documents in the possession or under the control of such auditor.

SEC. 4. That said sections 1708, 1709, 1711, and section 1765, be and the same are hereby repealed: provided, however, that nothing herein contained shall be construed as affecting any office named, or any officer already elected or appointed, except the auditor in cities of the first grade of the first class and his assistants.

SEC. 5. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed March 30, 1880.

[Senate Bill No. 178.]

#### AN ACT

To authorize cities of the third grade of the second class, with a population, according to the federal census of 1870, of not less than thirteen thousand inhabitants, to build railroads, and to lease, operate, or sell the same.

[SANDUSKY.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio, That whenever in any city of the third grade of the second class, which by the federal census of 1870 had, and which*

by any subsequent federal census may have, a population of not less than thirteen thousand inhabitants, the city council thereof shall, by resolution passed by a majority of the members elected thereto, declare it to be essential to the interest of such city that a line of railway, to be named in said resolution, should be provided between termini designated therein, one of which shall be such city, it shall be lawful for a board of trustees appointed as herein provided, and they are hereby authorized to borrow as a fund for that purpose, not to exceed the sum of sixty thousand dollars, and to issue bonds therefor, in the name of such city, under the corporate seal thereof, bearing interest at a rate not to exceed six per centum per annum, payable semi-annually. Said bonds to be payable at such times and places, and in such sums as shall be deemed best by said board. Said bonds shall be signed by the president of said board, and attested by the clerk of such city, who shall keep a register of the same, and they shall be secured by a mortgage on the line of railway, its net income, and by the pledge of the faith of such city, and a tax which it shall be the duty of the council thereof, annually, to levy (which tax shall not exceed two mills on the dollar in any one year), to pay the interest and provide a sinking fund for the final redemption of said bonds: provided, that no money shall be borrowed on bonds issued until after the question of providing the line of railway specified in said resolution shall be submitted to a vote of the qualified electors of such city, at a special election to be ordered by the city council thereof, of which not less than ten days' notice shall be given in two newspapers published in such city: and further provided, that a majority of said electors, voting at such election, shall decide in favor of such line of railway. The returns of said election shall be made to the clerk of said city, and by him laid before the city council, who shall declare the result by resolution. The bonds issued under the authority of this section shall not be sold or disposed of for less than their par value.

SEC. 2. If a majority of the votes cast at said election shall be in favor of providing the line of railway, as specified in the first section, it shall be the duty of the city solicitor, forthwith, to file a petition in the court of common pleas of the county in which said city is located, praying that the judge thereof will appoint five trustees, who shall be electors and freeholders of said township, to be called the trustees of ——— railway (the blank to be filled with the name of the railway, as given in the resolution), and it shall be the duty of the said judge to make the appointment, and enter the same upon the minutes or journal of the court. They shall enter into bond to the city in such sum as the court may direct, with one or more sufficient sureties to be approved by the court, conditioned for the faithful discharge of their duties. The bond so taken shall be approved

by the council of the city, and deposited with the treasurer of the corporation for safe keeping.

SEC. 3. The said trustees and their successors shall be the trustees of said fund, and shall have the control and disbursement of the same. They shall expend said fund in procuring the right of way on which to construct, and in constructing a railway, with all the proper appendages, and, if deemed necessary, a line of telegraph between the termini specified in said resolution, and, for the purpose aforesaid, shall have the power and capacity to make contracts, appoint, employ, and pay officers and agents, and to acquire, hold, and possess all the necessary real and personal property and franchises. They shall also have power to receive donations of land, money, bonds, and other personal property, and to dispose of the same in aid of said fund.

SEC. 4. The said trustees shall form a board, and choose one of their number president, who shall also be the acting trustee, with such power as the board may, by resolution, from time to time, confer upon him. A majority of said trustees shall constitute a quorum, and shall hold regular meetings for the transaction of business, at their office in the city under whose action they are appointed, but they may adjourn, from time to time, to meet at any place they may think proper. They shall keep a record of their proceedings, and cause to be kept a full and accurate account of their receipts and disbursements, and make a report of the same to the city clerk, annually, and whenever requested by a resolution of the city council. No money shall be drawn from said fund but upon the order of said board, except their own compensation, which shall be paid out of the same upon the recommendation of the council of said city, by resolution duly adopted, and allowed by the court appointing them, and shall be apportioned according to their respective services.

SEC. 5. Said trustees shall have power to take such security from any officer, agent, or contractor chosen, or appointed, or employed by them, as they shall deem advisable. They shall not become surety for any such officer, agent, or contractor, or be interested, directly or indirectly, in any contract concerning said railway. They shall be responsible only for their own acts.

SEC. 6. Whenever the city solicitor of any city under whose action a board of trustees has been appointed, as herein provided, shall have reason to believe that any one of said trustees has failed in the faithful performance of his trust, it shall be his duty to apply to the court that appointed said trustees, by petition, praying that such trustee be removed and another appointed in his place; and when a vacancy shall occur in said board from any other cause, it shall be filled in like manner. If the said city solicitor shall fail to make application in either of the foregoing causes, after request of any holder of the bonds issued by said trustees, or by any

tax-payer of the corporation, such bondholder or tax-payer may file a petition in his own name, on behalf of the holders of such bonds, for like relief, in any court having jurisdiction; and if the court hearing the action shall adjudge in favor of the plaintiff, he shall be allowed, as part of his costs, a reasonable compensation to his attorney.

SEC. 7. Whenever, in the construction of a line of railway, as herein provided, it shall be necessary to appropriate land for the foundation of the abutments or pier of any bridge across any stream, or for any other purpose, or to appropriate any rights or franchises, proceedings shall be commenced and conducted in accordance with the laws in force at the time for the appropriation of such private property for the use of corporations, except that the oath and verdict of the jury and judgment of the court shall be so varied as to suit the case.

SEC. 8. Whenever there shall be, between the termini designated in any resolution passed under this act, a railroad already partially constructed, or right of way acquired therefor, which can be adopted as parts of the line provided for in said resolution, the trustees of said line may purchase or lease the said railroad, or right of way, and pay for the same out of the trust fund.

SEC. 9. Whenever, in the construction of a line of railway, as herein provided, the said board of trustees shall find it necessary to use or occupy any street, alley, or public way, space, or ground, or any part thereof belonging to such city, proceedings shall be commenced and conducted in accordance with the laws in force at the time of [for] the appropriation of such rights or easements by street railway corporations, except that the oath and verdict of the jury and the judgment of the court shall be so varied as to suit the case.

SEC. 10. On the final completion, or at any period during the construction of any line of railway, constructed under the provisions of this act, the board of trustees shall have power to lease or sell, and convey the same to any person or persons, or company, as will conform to the terms and conditions which shall be fixed and provided by the council of the city by which the line of railway is owned.

SEC. 11. That the council of any city described in this act may, after trustees have been appointed, as provided in this act, advance to said trustees, out of any funds of said city, such sum as is necessary, not exceeding five hundred dollars, for carrying the object for which they were appointed into effect, and said sum shall be repaid out of the trust fund provided for in this act, when raised.

SEC. 12. Deeds and contracts may be made, and proceedings for appropriations and actions may be commenced, either in the name of such city providing the line of railway, or in the name of the trustees of ——— railway (filling the blank with the name given to the railway in the resolution), and said proceedings may be commenced and con-

ducted, either in the court of common pleas or probate court, as in other cases of appropriation for the use of municipal corporations.

SEC. 13. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed March 31, 1880.

[Senate Bill No. 134.]

#### AN ACT

To amend sections eight thousand three hundred and ninety-two and eight thousand three hundred and ninety-four of the revised statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section eight thousand three hundred and ninety-two and eight thousand three hundred and ninety-four of the revised statutes be and the same are hereby amended so as to read as follows:

Section 8392. That whenever, in any incorporated village, which by the federal census of 1870 had a population of not less than two thousand three hundred and twenty-two, and not more than two thousand three hundred and twenty-four, the village council thereof shall, by resolution passed by a majority of the members elected thereto, declare it to be essential to the interests of such village that a line of railway, to be named in said resolution, should be provided between termini designated therein, one of which shall be such village, it shall be lawful for a board of trustees, as herein provided, and they are hereby authorized to borrow, as a fund for that purpose, not to exceed the sum of five per cent. of the value of the property on the tax duplicate of such incorporated village, under the corporate seal thereof, bearing interest at a rate not to exceed *seven* (7) per cent. per annum, payable semi-annually; said bonds to be payable at such times and places, and in such sums as shall be deemed best by said board; said bonds shall be signed by the president of said board, and attested by the clerk of such incorporated village, who shall keep a register of the same, and they shall be secured by the pledge of the faith of said village; and a tax, which it shall be the duty of the council thereof, annually, to levy, which tax shall not exceed five (5) mills on the dollar in any one year, to pay the interest and provide a sinking fund for the final redemption of said bonds: provided, that said village shall not in any one year levy taxes to a greater amount than fifteen (15) mills on the dollar, including the levy for said bonds: and provided, that

Page 98  
Sec. 8392.  
Amended  
77 O. L. 129.

Amending  
act author-  
izing Ripley  
to issue  
bonds to  
build a rail-  
road.

no money shall be borrowed on bonds issued until after the question of providing the line of railway, specified in said resolution, shall have been submitted to a vote of the qualified electors of such incorporated village, at a special election to be ordered by the village council thereof, of which not less than ten (10) days' notice shall be given in the papers published in such village: and further provided, that a majority of said electors voting at said election shall decide in favor of said line of railway. The returns of said election shall be made to the clerk of said incorporated village, and be by him laid before the village council, who shall declare the result by resolution. The bonds issued under the authority of this section shall not be sold or disposed of for less than their par value.

Section 8394. The said trustees and their successors shall be the trustees of said funds, and shall have the control and disbursement of the same; they shall expend said fund in procuring the right to construct, and in constructing a single-track railway, with all the usual appendages, and for the purposes aforesaid shall have the power and capacity to make, contract, appoint, employ, and pay officers and agents, and to acquire, hold, and possess all the necessary real and personal property and franchise; they shall also have power to receive donations of lands, moneys, or bonds, and other personal property, and to dispose of the same in aid of said funds.

SEC. 2. That said original sections 8392 and 8394 be and the same are hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

JOHN A. WILLIAMSON,  
*Speaker pro tem. of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 1, 1880.

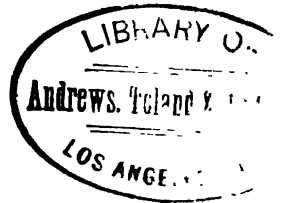
[House Bill No. 340.]

AN ACT

Relating to incorporated villages which by the federal census of 1870 had, and which by any subsequent federal census may have, a population of eight hundred and fifty-nine.

[CELINA.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That whenever, in any incorporated village which by the federal of 1870 had, and which by any subsequent federal census may have, a population of eight hundred and fifty-nine, the village council thereof shall, by a resolution passed by a majority of the members elected thereto, declare it to be essential to the interests of such village that a line of railway, to be named in said resolution, should be provided



between termini designated therein, one of which shall be such village; it shall be lawful for the village council of such village to borrow, as a fund for that purpose, not to exceed the sum of fifteen thousand dollars, and to issue bonds therefor, in the name of said village, under the corporate seal thereof, bearing interest not to exceed six per cent. per annum, payable semi-annually at such places and in such sums as shall be deemed best by said council; said bonds shall be signed by the mayor, and attested by the clerk of said village; and the clerk shall keep a register of the same, and the faith of the village shall be pledged for the redemption of said bonds; and it shall be the duty of said council, annually, to levy sufficient tax to pay the interest on and provide a sinking fund for the final redemption of said bonds: provided, that no money shall be borrowed or bonds issued until the question of providing the line of railway shall be submitted to a vote of the qualified electors of said village at a special election, to be ordered by the council thereof, of which not less ten days' notice shall be given in each paper published in said village, and provided that a majority of said electors, voting at said election, shall decide in favor of said line of railway; the returns of said election shall be made to the clerk of said village, and be by him laid before the village council, who shall declare the result by a resolution.

SEC. 2. The said village council shall have the control and disbursement of said funds, and shall expend the same in procuring the right of way, depot grounds, constructing or procuring the construction of a single or double track railway, with all the usual and necessary appendages; and for that purpose shall have power and capacity to make contracts, and to appoint and employ, and pay, officers and agents, and to acquire, hold and possess all the necessary real and personal property and franchise for that purpose.

SEC. 3. The said village council shall keep a full record of their proceedings, and they shall also cause to be kept a full and accurate account of their receipts and expenditures in the construction of said line of railway.

SEC. 4. Said council shall have power to require and take such security from any officer, agent, or contractor chosen, appointed, or employed by them, as they may deem advisable. The members of said council shall not become surety for any such officers, agent, or contractor, or be interested, directly or indirectly, in any contract concerning said railway.

SEC. 5. Whenever, in the construction of said line of railroad as herein provided, it shall be necessary to appropriate any land for right of way, depot purposes, rights, or franchises, proceedings shall be commenced and conducted in all respects in accordance with the act entitled "an act to provide for compensation to the owners of private property appropriated to the use of corporations," and the acts amendatory thereto.

SEC. 6. Said council, when said piece of railroad is completed, shall have power to sell, lease, or operate the same upon such terms and conditions as they may deem best for the interest of said village.

SEC. 7. This act shall take effect and be in force on and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 1, 1880.

[Senate Bill No. 183]

#### AN ACT

Supplementary to an act entitled "an act to provide for the payment of the amounts of the assessments in excess of twenty-five per cent. of the value of the lots or lands assessed for an improvement in cities of the first grade of the first class," passed June 3, 1879 (O. L., vol. 76, p. 114).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of public works of said city may authorize its president and the city auditor or comptroller to execute, sign, and issue such further number and amount of bonds of said corporation as may be necessary to pay any unpaid balance of claims provided for in the act to which this is supplementary, and any unpaid claims of the same character; said bonds to be made payable in ten years from the date of their issue, and to bear not less than four nor more than six per cent. per annum interest, interest payable annually, said bonds to be received by the contractor or his assignee at par, or they may be sold at not less than par, and the proceeds applied to the payment of such indebtedness: provided, however, that the amount of the bonds herein additionally authorized to be issued shall not exceed the sum of twenty-five thousand dollars.

Further issue of bonds to pay claims where assessments have been in excess of twenty-five per cent. of value of property.

SEC. 2. Said board of public works shall annually certify to the council a tax levy sufficient to pay the one-tenth part of the principal and interest of said bonds, to provide a fund which shall be paid into the sinking fund of said city for the redemption of said bonds and interest: provided, however, that the rate of the annual tax levy shall not be increased thereby.

Sinking fund for payment of such bonds and interest.

SEC. 3. This act shall take effect and be in force on and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 2, 1880.



[Senate Bill No. 141.]

## AN ACT

To authorize certain incorporated villages to build railroads and to lease or operate the same.

## [IRONTON.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That whenever in any corporate village which by the federal census of 1870 had, and which by any subsequent federal census may have, a population of four thousand four hundred and ninety-eight (4,498), the village council thereof shall, by a resolution passed by a majority of the members elected thereto, declare it to be essential to the interest of such village that a line of railway, to be named in said resolution, should be provided between termini designated therein, one of which shall be such village, and the other not exceeding seventeen miles therefrom, it shall be lawful for a board of trustees appointed as herein provided, and they are hereby authorized to borrow as a fund for that purpose, not to exceed the sum of thirty thousand dollars, and to issue bonds therefor, in the name of such incorporated village, under the corporate seal thereof, bearing interest at a rate not exceeding six per centum per annum, payable semi-annually. Said bonds to be payable at such times and places, and in such sums as shall be deemed best by said board. Said bonds shall be signed by the president of said board, and attested by the clerk of such incorporated village, who shall keep a register of the same, and they shall be secured by a mortgage on the line of railway and by the pledge of the faith of such village, and a tax which it shall be the duty of the council thereof, annually, to levy (which tax shall not exceed two mills on the dollar in any one year), to pay the interest and provide a sinking fund for the final redemption of said bonds: provided, that such village shall not in any one year levy taxes to a greater amount than thirteen mills on the dollar, including the levy for said bonds: and provided, that no money shall be borrowed on bonds issued until after the question of providing the line of railway specified in said resolution shall be submitted to a vote of the qualified electors of such incorporated village, at a special election to be ordered by the village council thereof, of which not less than ten days' notice shall be given in a paper published and of general circulation in said village: and further provided, that two-thirds of said electors, voting at such election, shall decide in favor of such line of railway. The returns of said election shall be made to the clerk of said incorporated village, and by him laid before the village council, who shall declare the result by resolution. The bonds issued under the authority of this section shall not be sold or disposed of for less than their par value.

SEC. 2. If not less than two-thirds of the votes cast at said election shall be in favor of providing the line of railway, as specified in the first section of this act, it shall be the duty of the corporation solicitor, forthwith, to file a petition in the court of common pleas in the county in which such village is situated, praying that the judge thereof will appoint three trustees, who shall be electors and freeholders of said village, to be called the trustees of ——— railway (the blank to be filled with the name of the railway, as given in said resolution), and it shall be the duty of the said judge to make the appointment, and enter the same on the minutes or journal of the court. They shall enter into bond to the village in such sum as the court may direct, with one or more sufficient sureties to be approved by the court, conditioned for the faithful discharge of their duties. The bond so taken shall be approved by the corporation solicitor and deposited with the treasurer of the corporation for safe keeping.

SEC. 3. The said trustees and their successors shall be the trustees of said fund, and shall have the control and disbursement of the same. They shall expend said fund in procuring the right to construct, and in constructing a railway, with all the proper appendages, between the termini specified in said resolution; and for the purpose aforesaid, shall have the power and capacity to make contracts, appoint, employ, and pay officers and agents, and to acquire, hold, and possess all the necessary real and personal property and franchises. They shall also have power to receive donations of land, money, bonds, and other personal property, and to dispose of the same in aid of said fund.

SEC. 4. The said trustees shall form a board, and shall choose one of their number president, who shall also be the acting trustee, with such power as the board may, by resolution, from time to time, confer upon him. A majority of said trustees shall constitute a quorum, and shall hold regular meetings for the transaction of business, at their office in the village under whose action they are appointed, but they may adjourn, from time to time, to meet at any place they may think proper. They shall keep a record of their proceedings, and cause to be kept a full and accurate account of their disbursements, and make a report of the same to the corporation clerk, whenever requested so to do by a resolution of the village council. No money shall be drawn from said fund but upon the order of said board, except their own compensation, which shall be paid out of the same upon the recommendation of the council of said village, by resolution, duly adopted and allowed by the court appointing them.

SEC. 5. Said trustees shall have power to take such security from any officer, agent, or contractor chosen, or appointed, or employed by them as they shall deem advisable. They shall not become surety for any such officer, agent, or

contractor, or be interested, directly or indirectly, in any contract concerning said railway. They shall be responsible only for their own acts.

SEC. 6. Whenever the corporation solicitor of any village under whose action a board of trustees has been appointed, as herein provided, shall have reason to believe that any one of said trustees has failed in the faithful performance of his trust, it shall be his duty to apply to the court that appointed said trustees, by petition, praying that such trustee be removed and another appointed in his place, and if the corporation solicitor shall fail to make application after request of any of the holders of the bonds issued by said trustees, or by a tax-payer of such village, such bondholder or tax-payer may file a petition in his own name, on behalf of the holders of such bonds, for like relief, in any court having jurisdiction; and if the court hearing the action shall adjudge in favor of the plaintiff, such court shall remove such trustee and appoint another in his stead; and when a vacancy shall occur in said board from any other cause, it shall be filled upon like petition and in like manner.

SEC. 7. Whenever in the construction of a line of railway as herein provided, it shall be necessary to appropriate land for the foundation of the abutments or pier of any bridge across any stream, or for any other purpose, or to appropriate any rights or franchises, proceedings shall be commenced and conducted in accordance with the laws in force at the time for the appropriation of such private property for the use of corporations, except that the oath and verdict of the jury and judgment of the court shall be so varied to suit the case.

SEC. 8. Whenever there shall be, between the termini designated in any resolution passed under this act, a railroad already partially constructed, or rights acquired therefor, which can be adopted as part of the line provided for in said resolution, the trustees of said line may purchase or lease the said railroad or right of way, and pay for the same out of the trust fund.

SEC. 9. Whenever, in the construction of a line of railway, as herein provided, the said board of trustees shall find it necessary to use or occupy any street, alley, or other public way, space, or ground, or any part thereof belonging to such incorporated village, proceedings shall be commenced and conducted in accordance with the laws in force at the time of the appropriation of such rights or easements by street railway corporations, except that the oath and verdict of the jury and the judgment of the court shall be so varied as to suit the case.

SEC. 10. On the final completion of any line of railway, constructed under the provisions of this act, the board of trustees shall have power to lease the same to any person or persons, or company, that will conform to the terms and conditions which shall be fixed and provided by the council

of the incorporated village of which the line of railway is owned.

SEC. 11. The council of any incorporated village described in this act may, after trustees have been appointed, as provided in this act, advance to said trustees, out of any funds of said village, such sum as is necessary, not exceeding five hundred dollars, for carrying the object for which they were appointed into effect, and said sum shall be repaid out of the trust fund provided for in this act when raised.

SEC. 12. Deeds and contracts may be made, and proceedings for appropriations and actions may be commenced, either in the name of such incorporated village providing the line of railway, or in the name of the trustees of \_\_\_\_\_ railway (filling the blank with the name given to the railway in the resolution), and said proceedings may be commenced and conducted, either in the court of common pleas or probate courts, as in other cases of appropriation for the use of municipal corporations.

SEC. 13. This act shall take effect and be in force from and after its passage.

JOHN A. WILLIAMSON,  
*Speaker pro tem. of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 1, 1880.

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[Senate Bill No 114.]

#### AN ACT

To authorize certain incorporated villages to build railroads, and to lease and operate the same.

[GERMANTOWN.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That whenever, in any incorporated village which by the federal census of 1870 had, and which by any subsequent federal census may have, a population of one thousand four hundred and forty, the village council thereof shall, by resolution passed by a majority of the members elected thereto, declare it to be essential to the interests of such village that a line of railway, to be named in said resolution, should be provided between termini designated therein, one of which shall be such village, and the other not exceeding five miles therefrom, it shall be lawful for a board of trustees, appointed as herein provided, and they are hereby authorized, to borrow as a fund for that purpose not to exceed the sum of forty (40) thousand dollars, and to issue bonds therefor in the name of such incorporated village, under the cor-

porate seal thereof, bearing interest at a rate not to exceed six per centum per annum, payable semi-annually; said bonds to be payable at such times and places, and in such sums as shall be deemed best by said board. Said bonds shall be signed by the president of said board, and attested by the clerk of such incorporated village, who shall keep a register of the same, and they shall be secured by a mortgage on the line of railway, and by the pledge of the faith of such village, and a tax which it shall be the duty of the council thereof annually to levy (which tax shall not exceed six mills on the dollar in any one year) to pay the interest and provide a sinking fund for the final redemption of said bonds: provided, that such village shall not in any one year levy taxes to a greater amount than twelve mills on the dollar, including the levy for said bonds: and provided, that no money shall be borrowed on bonds issued until after the question of providing the line of railway specified in said resolution shall be submitted to a vote of the qualified electors of such incorporated village, at a special election to be ordered by the village council thereof, of which not less than ten days' notice shall be given in the newspapers published in such village, or in a newspaper in general circulation in such village: and further provided, that a majority of said electors voting at such election shall decide in favor of such line of railway; the returns of said election shall be made to the clerk of said incorporated village, and be by him laid before the village council, which shall declare the result by resolution. The bonds issued under the authority of this section shall not be sold or disposed of for less than their par value.

SEC. 2. If a majority of the votes cast at said election shall be in favor of providing the line of railway as specified in the first section, it shall be the duty of the corporation clerk forthwith to file a petition in the court of common pleas in the county in which such village is situated, praying that the judge thereof will appoint five trustees, who shall be electors and freeholders of said village, to be called the trustees of ——— railway (the blank to be filled with the name of the railway as given in the resolution); and it shall be the duty of said judge to make the appointment, and enter the same on the minutes or journal of the court. They shall enter into bond to the village in such sum as the court may direct, with one or more sufficient sureties to be approved by the court, conditioned for the faithful discharge of their duties. The bond so taken shall be approved by the council of the village, and deposited with the treasurer of the corporation for safe keeping.

SEC. 3. The said trustees and their successors shall be the trustees of said fund, and shall have the control and disbursement of the same. They shall expend said fund in procuring the right to construct and in constructing a railway, with all the proper appendages, and, if deemed neces-

sary, a line of telegraph between termini specified in said resolution, and for the purpose aforesaid, shall have the power and capacity to make contracts, appoint, employ, and pay officers and agents, and to acquire, hold, and possess, all the necessary real and personal property and franchises. They shall also have power to receive donations of land, money, bonds, and other personal property, and to dispose of the same in aid of said fund.

SEC. 4. The said trustees shall form a board, and shall choose one of their number president, who shall also be the acting trustee, with such power as the board may, by resolution, from time to time, confer upon him. A majority of said trustees shall constitute a quorum, and shall hold regular meetings for the transaction of business, at their office in the village, under whose action they are appointed, but they may adjourn, from time to time, to meet at any place they may think proper. They shall keep a record of their proceedings, and cause to be kept a full and accurate account of their disbursements, and make a report of the same to the corporation clerk whenever requested so to do by a resolution of the village council. No money shall be drawn from said fund but upon the order of said board, except their own compensation, which shall be paid out of the same, upon the recommendation of the council of said village, by resolution, duly adopted and allowed by the court appointing them.

SEC. 5. Said trustees shall have power to take such security from any officer, agent, or contractor chosen, or appointed, or employed by them as they shall deem advisable. They shall not become surety for any such officer, agent, or contractor, or be interested directly or indirectly, in any contract concerning said railway. They shall be responsible only for their own acts.

SEC. 6. Whenever the corporation clerk of any village, under whose action a board of trustees has been appointed, as herein provided, shall have reason to believe that any one of said trustees has failed in the faithful performance of his trust, it shall be his duty to apply to the court that appointed said trustees, by petition, praying that such trustee be removed, and another appointed in his place; and if the corporation clerk shall fail to make application after request of any of the holders of the bonds issued by said trustees, or by a tax-payer of such village, such bondholder or tax-payer may file a petition in his own name, on behalf of the holders of such bonds, for like relief, in any court having jurisdiction; and if the court hearing the action shall adjudge in favor of the plaintiff, such court shall remove such trustees and appoint another in his stead; and when a vacancy shall occur in said board from any other cause it shall be filled upon like petition and in like manner.

SEC. 7. Whenever, in the construction of a line of railway, as herein provided, it shall be necessary to appropriate land

for the foundation of the abutments or pier of any bridge across any stream, or for any other purpose, or to appropriate any rights or franchises, proceedings shall be commenced and conducted in accordance with the laws in force at the time for the appropriation of such private property for the use of corporations, except that the oath and verdict of the jury, and judgment of the court, shall be so varied as to suit the case.

SEC. 8. Whenever there shall be, between the termini designated in any resolution passed under this act, a railway already partially constructed, or rights of way acquired therefor, which can be adopted as parts of the line provided for in said resolution, the trustees of said line may purchase or lease the said railway, or right of way, and pay for the same out of the trust fund.

SEC. 9. Whenever, in the construction of a line of railway, as herein provided, the said board of trustees shall find it necessary to use or occupy any street, alley, or public way, space, or ground, or any part thereof belonging to such incorporated village, proceedings shall be commenced and conducted in accordance with the laws in force at the time for the appropriation of such rights or easements by street railway corporations, except that the oath and verdict of the jury, and the judgment of the court, shall be so varied as to suit the case.

SEC. 10. On the final completion of any line of railway constructed under the provisions of this act, the board of trustees shall have power to lease the same to any person or persons, or company, as will conform to the terms and conditions which shall be fixed and provided by the council of the incorporated village by which the line of railway is owned.

SEC. 11. That the council of any incorporated village described in this act may, after trustees have been appointed as provided in this act, advance to said trustees, out of any funds of said village, such sum as is necessary, not exceeding five hundred dollars, for carrying the object for which they were appointed into effect, and said sum shall be repaid out of the trust fund provided for in this act when raised.

SEC. 12. Deeds and contracts may be made, and proceedings for appropriations and actions may be commenced, either in the name of such incorporated village providing the line of railway, or in the name of the trustees of \_\_\_\_\_ railway (filling the blank with the name given to the railway in the resolution), and said proceedings may be commenced and conducted, either in the court of common pleas or probate court, as in other cases of appropriations for the use of municipal corporations.

SEC. 13. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 2, 1880.

[Senate Bill No. 61.]

# AN ACT

To amend section 2491 of the revised statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section two thousand four hundred and ninety-one of the act entitled "an act to revise and consolidate the general statutes of Ohio," passed June 20, 1879, took effect January 1, 1880, be so amended as to read as follows:

Section 2491. A municipal corporation, in which any incorporated gas company is organized under the laws of the state, shall have power to contract with such company for supplying with gas the streets, squares, and other public places in the corporate limits; but this section shall be subject to the restrictions in the last clause of section thirty-five hundred and fifty-one of said act.

SEC. 2. That said original section twenty-four hundred and ninety-one be and the same is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 2, 1880.

Municipal  
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§2491 Am.  
84 v. 39.

[Senate Bill No. 121.]

# AN ACT

To authorize certain townships to build railroads, and to lease or operate the same.

[WAYNE TOWNSHIP, NOBLE COUNTY.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio.* That whenever in any township, which by the federal census of 1870 had, and which by any subsequent federal census may have, a population of seven hundred and ninety-six (796), the township trustees thereof shall, by a resolution passed by a majority of the members elected thereto, declare



it to be essential to the interest of such township that a line of railway, to be named in said resolution, should be provided between termini designated therein in said township, not exceeding seven miles in length, it shall be lawful for a board of trustees appointed as herein provided, and they are hereby authorized to borrow as a fund for that purpose, not to exceed the sum of twenty thousand dollars, and to issue bonds therefor, in the name of said township, bearing interest at a rate not exceeding six per centum per annum, payable semi-annually. Said bonds to be payable at such time and places, and in such sums as shall be deemed best by said board. Said bonds shall be signed and sealed by the president of said board, and attested by the clerk of such township, who shall keep a register of the same, and they shall be secured by a mortgage on the line of railway and by the pledge of the faith of such township, and a tax which it shall be the duty of the trustees thereof, annually, to levy (which tax shall not exceed three mills on the dollar in any one year), to pay the interest and provide a sinking fund for the final redemption of said bonds: provided, that such township shall not in any one year levy taxes to a greater amount than seventeen mills on the dollar, including the levy for said bonds: and provided, that no money shall be borrowed on bonds issued until after the question of providing the line of railway specified in said resolution shall be submitted to a vote of the qualified electors of such township, at a special election to be ordered by the township trustees thereof, of which not less than twenty days' notice shall be given by posting up notices at not less than five of the most public places in each of the villages in such township, and by publishing, for three successive weeks, such notice in a newspaper, printed in the county wherein such township is located, and of general circulation in such township: further provided, a majority of said electors, voting at such election, shall decide in favor of such line of railway. The returns of said election shall be made to the clerk of said township, and by him laid before the township trustees, who shall declare the result by resolution. The bonds issued under the authority of this section shall not be sold or disposed of for less than their par value.

SEC. 2. If a majority of the votes cast at said election shall be in favor of providing a line of railway, as specified in the first section, it shall be the duty of the township clerk, forthwith, to file a petition in the court of common pleas of the county in which such township is located, praying that the judge thereof will appoint five trustees, who shall be electors and freeholders of said township, to be called the trustees of — railway (the blank to be filled with the name of the railway as given in the resolution), and it shall be the duty of said judge to make the appointment, and enter the same upon the minutes or journal of the court. They shall enter into bond to the township in such sum as the court

may direct, with one or more sufficient sureties to be approved by the court, conditioned for the faithful discharge of their duties. The bond so taken shall be deposited with the township treasurer for safe keeping.

SEC. 3. The said board of trustees and their successors shall be the trustees of said fund, and shall have the control and disbursement of the same. They shall expend said fund in procuring the right to construct, and in constructing a railway, with all the proper appendages, and, if deemed necessary, a line of telegraph between the termini specified in said resolution, and for the purpose aforesaid, shall have the power and capacity to make contracts, appoint, employ, and pay officers and agents, and to acquire, hold, and possess all the necessary real and personal property and franchises. They shall also have power to receive donations of land, money, bonds, and other personal property, and to dispose of the same in aid of said fund.

SEC. 4. The said trustees shall form a board, and shall choose one of their number president, who shall also be the acting trustee, with such powers as the board may, by resolutions, from time to time, confer upon him. A majority of said trustees shall constitute a quorum, and shall hold regular meetings for the transaction of business, at their regular office in the township under whose action they are appointed, but they may adjourn, from time to time, to meet at any place they may think proper. They shall keep a record of their proceedings, and cause to be kept a full and accurate account of their disbursements, and make a report of the same to the township clerk, whenever requested so to do by a resolution of the township trustees. No money shall be drawn from said fund but upon the order of said board, except their own compensation, which shall be paid out of the same upon the recommendation of the township trustees, by resolution, duly adopted and allowed by the court appointing them.

SEC. 5. Said trustees shall have power to take such security from any officer, agent, or contractor chosen, or appointed, or employed by them as they shall deem advisable. They shall not become surety for any such officer, agent, or contractor, or be interested, directly or indirectly, in any contract concerning said railway. They shall be responsible only for their own acts.

SEC. 6. Whenever the township trustees, or any one of them, of any township under whose action a board of trustees has been appointed, as herein provided, shall have reason to believe that any one of the latter has failed in the faithful performance of his trust, it shall be the duty of such township trustees to apply to the court that appointed said board of trustees, by petition, praying that one be removed and another be appointed in his place, and if the said township trustees shall fail to make application after request of any of the holders of the bonds issued by said board of trus-

tees, or by a tax-payer of such township, such bondholder or tax-payer may file a petition in his own name, on the behalf of the holders of such bonds, for like relief, in any court having jurisdiction; and if the court hearing the action shall adjudge in favor of the plaintiff, such court shall remove such trustee and appoint another in his stead; and when a vacancy shall occur in said board from any other cause, it shall be filled upon like petition and in like manner.

SEC. 7. Whenever, in the construction of a line of railway, as herein provided, it shall be necessary to appropriate land for the foundation of the abutments or pier of any bridge across any stream, or for any other purpose, or to appropriate any rights or franchises, proceedings shall be commenced and conducted in accordance with the laws in force at the time for the appropriation of such private property for the use of corporations, except that the oath and verdict of the jury and judgment of the court shall be varied to suit the case.

SEC. 8. Whenever there shall be, between the termini designated in any resolution passed under this act, a railroad already partially constructed, or rights of way acquired therefor, which can be adopted as parts of the line provided for in said resolution, the trustees of said line may purchase or lease the said railroad, or right of way, and pay for the same out of the trust fund.

SEC. 9. Whenever, in the construction of a line of railway, as herein provided, the said board of trustees shall find it necessary to use or occupy any street, alley, or other public way, space, or ground, or any part thereof of any incorporated village in said township, proceedings shall be commenced and conducted in accordance with the laws in force at the time for the appropriation of such rights or easements by street railway corporations, except that the oath and verdict of the jury and the judgment of the court shall be so varied as to suit the case.

SEC. 10. On the final completion of any line of railway, constructed under the provisions of this act, the board of trustees shall have power to lease the same to any person or persons, or company, as will conform to the terms and conditions which shall be fixed and provided by the trustees of the township by which the line of railway is owned.

SEC. 11. That the trustees of any township described in this act may, after trustees have been appointed, as provided in this act, advance to said trustees, out of any funds of said township, such sum as is necessary, not exceeding five hundred dollars, for carrying the object for which they were appointed into effect, and said sum shall be repaid out of the trust fund provided for in this act when raised.

SEC. 12. Deeds and contracts may be made, and proceedings for appropriations and actions may be commenced, either in the name of such township providing the line of railway, or in the name of the trustees of \_\_\_\_\_ rail-

way (filling the blank with the name given to the railway in the resolution), and said proceedings may be commenced and conducted, either in the court of common pleas or probate court, as in cases of appropriation for the use of municipal corporations.

SEC. 13. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 2, 1880.

House Bill No. 254 ]

AN ACT

To amend an act entitled "an act to amend section 907 of the revised statutes of Ohio."

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That said act, entitled "an act to amend section 907, chapter 1, title 8, of the revised statutes of Ohio," as passed February 11, 1880, be so amended as to read as follows:

Section 907. Whenever any of the records of any county are destroyed in whole or in part, any map, plat, deed, conveyance, mortgage, power of attorney, or other instrument in writing, or record in any proceeding authorized by law to be recorded, which affects real estate in the county, or the continuing rights of parties to such record, and of which the originals or exemplifications of the same have been before recorded, such originals or exemplifications, or certified copies of the former record, may be recorded in the proper office therefor; and in re-recording the same, the officer shall record the certificate of the previous record, the date of filing for record appearing on the original or certified certificate so recorded, shall be taken and held as the date of the recording of the instrument to which it is attached; and copies of records herein authorized to be made, duly certified, shall have the same force and effect, as evidence, as certified copies of the original record; and when any of the instruments or records aforesaid shall be presented to the county recorder, or other officer, the proper custodian of such records, he shall forthwith record and index the same in accordance with the law for the original recording; and some competent person, employed for that purpose by the county commissioners, shall compare such record with the instrument so recorded, and if the same has been correctly recorded, he shall certify on the margin of the page upon which such record has been made the correctness of the same; and such recording officer shall receive compensation for recording any map or plat aforesaid, not exceeding six lines, fifty cents, and for each addi-

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Sec. 907.  
Am. and Sup.  
81 O. L. 159.

Re recording  
destroyed  
records.

tional line, two cents ; and for any recording and indexing aforesaid, other than said map or plat, at the rate of not more than five cents for every hundred words, said compensation to be paid out of the county treasury upon the allowance of the county commissioners : provided, that no bill for services under this section shall be allowed by the county commissioners until they are first duly satisfied that such services have been rendered, and the charges therefor are not in excess of the rates herein provided.

SEC. 2. That said act, entitled "an act to amend section number 907, chapter 1, title 8, of the revised statutes of Ohio," as passed February 11, 1880, be and the same is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 2, 1880.

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[House Bill No. 323.]

# AN ACT

Relating to children's homes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the following section be enacted as supplementary to section 929 of the revised statutes, in the sectional numbering as herein provided for :

Judge of the  
common  
pleas may  
appoint trustees to take  
charge of  
property  
given to  
children's  
home.

Section 929a. That in all cases where any money or property of the amount or value of five thousand dollars or more, has been or shall be given to trustees or otherwise for the use and benefit of a children's home in any county of this state, and the trustee or trustees, or other person or persons, having control of said money or property, or proposing to donate the same, shall, by petition, make known to a judge of the court of common pleas of such county, that he or they desire that a judge of said court shall perform the duties which are conferred upon county commissioners by section 930 of the revised statutes, it shall be the duty of said judge, on being satisfied of the existence of said trust or intention to donate to the amount aforesaid, to appoint trustees, and from time to time discharge all the duties which are by said section 930 imposed upon county commissioners, except that said trustees shall be first appointed on the presentation of said petition, and annually, as nearly as may be convenient, thereafter ; and all orders made by a judge in that behalf shall be forthwith entered on the journal of the court.

SEC. 2. A children's home, established and sustained as aforesaid, shall be entitled to the benefit of all the provisions contained in sections 2181, 2182, 2183, 2184, 2185, and 4010 of said statutes.

SEC. 3. The county commissioners, on the recommendation of said trustees, may sell or exchange for other property any lands or tenements given or conveyed to them for the use and benefit of a children's home.

SEC. 4. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 1, 1880.

County commissioners may sell or exchange such property.

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House Bill No. 336.

AN ACT

To amend section 1117 of the revised statutes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 1117 of the revised statutes of Ohio be amended to read as follows:

Section 1117. The county treasurer, on settlement semi-annually with the county auditor, shall be allowed as fees on all moneys collected on the grand duplicate the following percentage; on the first ten thousand dollars, two and one-half per cent.; on the next ten thousand dollars, one and one-half; on the next ten thousand dollars, one; on the next ten thousand, seven-tenths of one; on the next two hundred thousand dollars, five-tenths of one; and on all other or further sums, three-tenths of one; and on all moneys collected on any special duplicate, five-tenths of one; and on all moneys collected otherwise than on the duplicate, the following percentage: on licenses, fines, forfeitures, or on bonds or recognizances, on the first one thousand dollars, eight; and on all over one thousand dollars, four; and on all other moneys collected on the first ten thousand dollars, eight-tenths; and all over that amount, four-tenths of one; but no compensation, percentage, commission, or fees, shall be allowed on any moneys received by him from the state treasurer, or from his predecessor in office, or the legal representatives or sureties of such predecessors, or on any moneys received from the proceeds of the bonds of the county, or of any municipal corporation.

Fees of county treasurer.

SEC. 2. Said original section eleven hundred and seventeen be and is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
 R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 2, 1880.

House Bill No. 189.

AN ACT

To amend section one thousand two hundred and thirty (1230) of the revised statutes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 1230 of the revised statutes be so amended as to read as follows :

Section 1230. The fees and compensation of sheriffs shall be as follows : For every writ or summons, and the return thereof (subpœnas only excepted), when only one defendant is named therein, thirty cents ; each additional defendant, fifteen cents ; levying each writ of execution on real or personal estate, or the service of an order of arrest upon the body of each defendant named in the writ, thirty cents, and mileage, as in other cases ; every bail bond, thirty-five cents ; committing to prison or discharging therefrom, sixty cents ; attending a person before judge or court, sixty cents ; serving a writ of possession with the aid of the county, one dollar and fifty cents, and without the aid of the county, eighty cents ; the copy of any writ or process necessary to complete a service, for each hundred words, eight cents ; serving and returning a subpœna, for each person named therein, ten cents ; serving and returning a subpœna for each person named therein to appear before the grand jury, ten cents, to be paid by the county, upon the certificate of the clerk ; serving and returning venire for petit or grand jury, traveling fees included, to be paid by the county, four dollars and fifty cents ; or summoning a jury, to be allowed on each issue, including traveling fees, forty cents ; summoning a special jury, including traveling fees (four dollars and fifty cents traveling fees), upon all writs, precepts, and subpœnas, eight cents per mile, going and returning : provided, that where more than one person be named in such writ, mileage shall be charged only for the shortest distance necessary to be traveled ; poundage on all moneys actually made and paid to the sheriff on execution, decree, or sale of real estate (except on writs for the sale of real estate in partition), one and a half per centum on the first thousand dollars, and one

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 Sec. 1230.  
 Supplem.  
 77 O. L. 163.

116, § 1230, Fees of sher-  
 Ham. Co. 188.  
 84 v. 118.

per centum on all sums over one thousand dollars; but when such real estate is bid off and purchased by a party entitled to a part of the proceeds, the sheriff shall not be entitled to any poundage except on the amount over and above the claims of such party; service of copy of pleading and return, the same fees as are allowed for the service of a summons, including mileage, as herein provided; making a deed of land sold on execution, decree, or order of court, to be paid by the purchaser, two dollars; serving any person with an order of court, and making return thereof, thirty cents, and mileage as on service of summons; calling a jury, ten cents; opening a court and calling each action, to be charged but once each term of the court in which the cause is pending, twelve cents; calling each witness, five cents; bringing up a person on habeas corpus, eighty cents; summoning a jury in forcible entry or detainer, or in forcible entry only, one dollar and seventy five cents; serving a writ of restitution, eighty cents, and mileage thereon as in other cases; calling an inquest to appraise lands and tenements under execution, one dollar and twenty cents; all advertisements in a newspaper, thirty cents, in addition to the price of printing; all written advertisements for the sale of property, either real or personal, thirty cents; executing a writ of partition, one dollar and twenty cents, and traveling fees as in other cases; selling real estate under an order of court in partition, three fourths of one per centum where the amount of sales does not exceed two thousand dollars, and one fourth of one per centum on the amount over and above that sum.

SEC. 2. That said original section one thousand two hundred and thirty be and the same is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 17, 1880.

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[House Bill No. 414.]

#### AN ACT

To amend section 2554 of the revised statutes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 2554 of the revised statutes be amended so as to read as follows:

Section 2554. All property within any village, in which there is a cemetery established and maintained by such vil-



Property in village supporting cemetery exempt from tax for purchase of hearse for township.

lage, shall be exempt from taxes for the purchase or maintenance of cemeteries, or for the purchase of a hearse, or for the construction of a vault, under the superintendence of the township trustees, and for the use of the township exclusive of the village.

SEC. 2. That the said original section 2554 be and the same is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 2, 1880.

[House Bill No. 313.]

#### AN ACT

Supplementary to section 4215 of the revised statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the following section be enacted as supplementary to section 4215 of the revised statutes, and numbered as follows:

Allowance by county commissioners of damages for sheep killed by dogs.

Section 4215a. That any surplus of funds arising from the per capita assessment upon dogs, transferred to the school fund under section 4215 in any county unless otherwise directed by law, shall be appointed [apportioned] to the different townships or cities in proportion to the amount of tax actually collected from such townships or cities, and said surplus, if any, shall be paid to the treasurers of the several townships or cities, as the case may be, and the treasurers of the several townships or cities shall pay on the order of the township clerk or city auditor, or comptroller, to each sub-district or special school district therein in proportion to its enumeration of youth of school age, for the use of the school or schools of said sub-district, or special school district, the amount found due the same from funds credited to the township or city from surplus dog tax.

SEC. 2. This act shall be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 6, 1880.

## [Senate Bill No. 135.]

To authorize certain townships to build railroads and to lease or operate the same.

## [BEAVER TOWNSHIP, NOBLE COUNTY.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That whenever in any township, which by the federal census of 1870 had, and which by any subsequent federal census may have, a population of sixteen hundred and eighty-four (1684), the township trustees thereof shall, by a resolution passed by a majority of the members elected thereto, declare it to be essential to the interest of such township that a line of railway, to be named in said resolution, should be provided between termini designated therein in said township, not exceeding seven miles in length, it shall be lawful for a board of trustees appointed as herein provided, and they are hereby authorized to borrow as a fund for that purpose, not to exceed the sum of twenty thousand dollars, and to issue bonds therefor, in the name of said township, bearing interest at a rate not exceeding six per centum per annum, payable semi-annually. Said bonds to be payable at such time and places, and in such sums as shall be deemed best by said board. Said bonds shall be signed and sealed by the president of said board, and attested by the clerk of such township, who shall keep a register of the same, and they shall be secured by a mortgage on the line of railway and by the pledge of the faith of such township, and a tax which it shall be the duty of the trustees thereof, annually, to levy (which tax shall not exceed three mills on the dollar in any one year), to pay interest and provide a sinking fund for the final redemption of said bonds: provided, that such township shall not in any one year levy taxes to a greater amount than seventeen mills on the dollar, including the levy for said bonds: and, provided, that no money shall be borrowed on bonds issued until after the question of providing the line of railway specified in said resolution shall be submitted to a vote of the qualified electors of such township, at a special election to be ordered by the township trustees thereof, of which not less than twenty days' notice shall be given by posting up notices at not less than five of the most public places in each of the villages in such township, and by publishing, for three successive weeks, such notice in a newspaper, printed in the county wherein such township is located and of general circulation in such township: further provided, a majority of said electors, voting at such election, shall decide in favor of such line of railway. The returns of said election shall be made to the clerk of said township, and by him laid before the township trustees, who shall declare the result by resolution. The bonds issued under the authority of this section shall not be sold or disposed of for less than their par value.

SEC. 2. If a majority of the votes cast at said election shall be in favor of providing the line of railway, as specified in the first section, it shall be the duty of the township clerk, forthwith, to file a petition in the court of common pleas in which such township is located, praying that the judge thereof will appoint five trustees, who shall be electors and freeholders of said township, to be called the trustees of \_\_\_\_\_ railway (the blank to be filled with the name of the railway, as given in the resolution), and it shall be the duty of said judge to make the appointment, and enter the same upon the minutes or journal of the court. They shall enter into bond to the township in such sum as the court may direct, with one or more sufficient sureties to be approved by the court, conditioned for the faithful discharge of their duties. The bond so taken shall be deposited with the township treasurer for safe keeping.

SEC. 3. The said board of trustees and their successors shall be the trustees of said fund, and shall have the control and disbursement of the same. They shall expend said fund in procuring the right to construct, and in constructing a railway, with all the proper appendages, and, if deemed necessary, a line of telegraph between the termini specified in said resolution, and for the purpose aforesaid, shall have the power and capacity to make contracts, appoint, employ, and pay officers and agents, and to acquire, hold, and possess all the necessary real and personal property and franchises. They shall also have power to receive donations of land, money, bonds, and other personal property, and to dispose of the same in aid of said fund.

SEC. 4. The said trustees shall form a board, and shall choose one of their number president, who shall also be the acting trustee, with such powers as the board may, by resolutions, from time to time, confer upon him. A majority of said trustees shall constitute a quorum, and shall hold regular meetings for the transaction of business, at their regular office in the township under whose action they are appointed, but they may adjourn, from time to time, to meet at any place they may think proper. They shall keep a record of their proceedings, and cause to be kept a full and accurate account of their disbursements, and make a report of the same to the township clerk, whenever requested so to do by a resolution of the township trustees. No money shall be drawn from said fund but upon the order of said board, except their own compensation, which shall be paid out of the same upon the recommendation of the township trustees, by resolution, duly adopted and allowed by the court appointing them.

SEC. 5. Said trustees shall have power to take such security from any officer, agent, or contractor chosen, or appointed, or employed by them as they shall deem advisable. They shall not become surety for any such officer, agent, or contractor, or be interested, directly or indirectly, in any

contract concerning said railway. They shall be responsible only for their own acts.

SEC. 6. Whenever the township trustees, or any one of them of any township under whose action a board of trustees has been appointed, as herein provided, shall have reason to believe that any one of the latter has failed in the faithful performance of his trust, it shall be the duty of such township trustees to apply to the court that appointed said board of trustees, by petition, praying that one be removed and another be appointed in his place, and if the said township trustees shall fail to make application after request of any of the holders of the bonds issued by said board of trustees, or by a tax-payer of such township, such bondholder or tax-payer may file a petition in his own name, on the behalf of the holders of such bonds, for like relief, in any court having jurisdiction; and if the court hearing the action, shall adjudge in favor of the plaintiff, such court shall remove such trustee and appoint another in his stead; and when a vacancy shall occur in said board from any other cause, it shall be filled upon like petition and in like manner.

SEC. 7. Whenever, in the construction of a line of railway, as herein provided, it shall be necessary to appropriate land for the foundation of the abutments or pier of any bridge across any stream, or for any other purpose, or to appropriate any rights or franchises, proceedings shall be commenced and conducted in accordance with the laws in force at the time for the appropriation of such private property for the use of corporations, except that the oath and verdict of the jury and judgment of the court shall be varied to suit the case.

SEC. 8. Whenever there shall be, between the termini designated in any resolution passed under this act, a railroad already partially constructed, or rights of way acquired therefor, which can be adopted as parts of the line provided for in said resolution, the trustees of said line may purchase or lease the said railroad, or right of way, and pay for the same out of the trust fund.

SEC. 9. Whenever, in the construction of a line of railway, as herein provided, the said board of trustees shall find it necessary to use or occupy any street, alley, or other public way, space, or ground, or any part thereof of any incorporated village in said township, proceedings shall be commenced and conducted in accordance with the laws in force at the time for the appropriation of such rights or easements by street railway corporations, except that the oath and verdict of the jury and the judgment of the court shall be so varied as to suit the case.

SEC. 10. On the final completion of any line of railway, constructed under the provisions of this act, the board of trustees shall have power to lease the same to any person, or persons, or company, as will conform to the terms and con-

ditions which shall be fixed and provided by the trustees of the township by which the line of railway is owned.

SEC. 11. That the trustees of any township described in this act may, after trustees have been appointed, as provided in this act, advance to said trustees, out of any funds of said township, such sum as is necessary, not exceeding five hundred dollars, for carrying the object for which they were appointed into effect, and said sum shall be repaid out of the trust fund provided for in this act when raised.

SEC. 12. Deeds and contracts may be made, and proceedings for appropriations and actions may be commenced, either in the name of such township providing the line of railway, or in the name of the trustees of \_\_\_\_\_ railway (filling the blank with the name given to the railway in the resolution), and said proceedings may be commenced and conducted, either in the court of common pleas or probate court, as in cases of appropriation for the use of municipal corporations.

SEC. 13. This act shall take effect and be in force [from] and after its passage.

THOS. A. COWGILL,  
*Speaker of House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of Senate.*

Passed April 6, 1880.

[House Bill No. 405.]

#### AN ACT

To amend section three thousand seven hundred and ninety-five of the revised statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 3795 of the revised statutes be amended so as to read as follows:

Section 3795. The petitioners shall cause notice of the pendency and prayer of the petition to be published in some newspaper of general circulation in the county where the real estate proposed to be sold is situate, for four consecutive weeks before the time at which an order of sale will be asked for, and the case may be heard and decided at any time after the expiration of four weeks from the first publication of notice.

SEC. 2. That said original section 3795 be and the same is hereby repealed.

SEC. 3. This act shall apply to pending cases, and shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 8, 1880.

[House Bill No. 478.]

## AN ACT

To authorize certain cities to build railroads and to lease or operate the same.

## [IRONTON.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That whenever in any city which by the federal census of 1870 had, and which by any subsequent federal census may have, a population of five thousand six hundred and eighty-six (5,686), the city council thereof shall, by a resolution passed by a majority of the members elected thereto, declare it to be essential to the interest of such city that a line of railway, to be named in said resolution, should be provided between termini designated therein, and situated wholly or partly in said city, it shall be lawful for a board of trustees appointed as herein provided, and they are hereby authorized to borrow as a fund for that purpose, not to exceed the sum of fifty thousand dollars, and to issue bonds therefor, in the name of said city, under the corporate seal thereof, bearing interest at a rate not exceeding six per centum per annum, payable semi-annually. Said bonds to be payable at such times and places, and in such sums as shall be deemed best by said board. Said bonds shall be signed and sealed by the president of said board and the mayor of said city, and attested by the clerk or auditor of said city, who shall keep a register of the same, and they shall be secured by the pledge of the faith of said city, and a tax which it shall be the duty of the said council annually to levy (which tax shall not exceed three mills on the dollar in any one year, in addition to the amount otherwise authorized by law) to pay interest and provide a sinking fund for the final redemption of said bonds: provided, that no money shall be borrowed on bonds issued until after the question of providing the line of railway specified in said resolution shall be submitted to a vote of the qualified electors of said city, at a special election to be ordered by the council thereof, of which not less than twenty days' notice shall be given by publishing, for three successive weeks, such notice in the newspapers printed in the county wherein such city is located, and of general circulation in such city: further provided, a majority of said electors voting at such election shall decide in favor of such line of railway. The returns of said election shall be made to the city clerk, and by him be laid before the city council, who shall declare the result by resolution. The bonds issued under the authority of this section shall not be sold or disposed of for less than their par value.

SEC. 2. If a majority of the votes cast at said election shall be in favor of providing the line of railway, as specified in the first section, it shall be the duty of the city

solicitor, forthwith, to file a petition in the court of common pleas in which such city is situate, praying that the judge thereof will appoint five trustees, who shall be electors and freeholders of said city, to be called the trustees of \_\_\_\_\_ railway (the blank to be filled with the name of the railway, as given in the resolution). and it shall be the duty of said judge, either in term time or vacation, to make the appointment, and enter the same upon the minutes or journal of the court. They shall enter into bond to the city in such sum as the judge may direct, with one or more sufficient sureties to be approved by the judge, conditioned for the faithful discharge of their duties. The bond so taken shall be deposited with the treasurer of the city for safe keeping.

SEC. 3. The said board of trustees and their successors shall be the trustees of said fund, and shall have the control and disbursement of the same. They shall expend said fund in procuring the right to construct, and in constructing a railway, with all the proper appendages, and, if deemed necessary, a line of telegraph between the termini specified in said resolution; and for the purpose aforesaid, shall have the power and capacity to make contracts, appoint, employ, and pay officers and agents, and to acquire, hold, and possess all the necessary real and personal property and franchises. They shall also have power to receive donations of land, money, bonds, and other personal property, and to dispose of the same in aid of said fund.

SEC. 4. The said trustees shall form a board, and shall choose one of their number president, who shall also be the acting trustee, with such powers as the board may, by resolutions, from time to time, confer upon him. A majority of said trustees shall constitute a quorum, and they shall hold regular meetings for the transaction of business, at their office in the city under whose action they are appointed, but they may adjourn, from time to time, to meet at any time they may think proper. They shall keep a record of their proceedings, and cause to be kept a full and accurate account of their disbursements, and make a report of the same to the city council annually, whenever requested so to do by a resolution of the city council. No money shall be drawn from said fund but upon the order of said board, except their own compensation, which shall be paid out of the same upon the recommendation of the city council and allowance by the court appointing them, and shall be apportioned according to their respective services.

SEC. 5. Said trustees shall have power to take such security from any officer, agent, or contractor chosen, or appointed, or employed by them as they shall deem advisable. They shall not become surety for any such officer, agent, or contractor, or be interested, directly or indirectly, in any contract concerning said railway. They shall be responsible only for their own acts.

SEC. 6. Whenever the city council of such city shall

have reason to believe that any one of the said trustees has failed in the faithful performance of his trust, it shall be the duty of the council to instruct the city solicitor to apply to the court that appointed said board of trustees, by petition, praying that such trustee be removed and another be appointed in his place, and if the said solicitor shall fail to make application after request of any of the holders of the bonds issued by said board of trustees, or by a tax-payer of such city, such bondholder or tax-payer may file a petition in his own name, on the behalf of the holders of such bonds, for like relief, in any court having jurisdiction; and if the court hearing the action shall adjudge in favor of the plaintiff, such court shall remove such trustee and appoint another in his stead; and when a vacancy shall occur in said board from any other cause, it shall be filled in like manner.

SEC. 7. Whenever in the construction of a line of railway, as herein provided, it shall be necessary to appropriate land for the foundation of the abutments or pier of any bridge across any stream, or for any other purpose, or to appropriate any rights or franchises, proceedings shall be commenced and conducted in accordance with the laws in force at the time for the appropriation of such private property for the use of municipal corporations, except that the oath and verdict of the jury and judgment of the court shall be varied to suit the case.

SEC. 8. Whenever there shall be, between the termini designated in any resolution passed under this act, a railroad already partially constructed, or rights of way acquired therefor, which can be adopted as parts of the line provided for in said resolution, the trustees of said line may purchase or lease the said railroad or right of way, and pay for the same out of the trust fund.

SEC. 9. Whenever, in the construction of a line of railway, as herein provided, the said board of trustees shall find it necessary to use or occupy any street, alley, or other public way, space, or ground, or any part thereof, they shall have the right so to do, upon such terms as the city council, or other authorities having control thereof, may prescribe.

SEC. 10. On the final completion of any line of railway, constructed under the provisions of this act, the board of trustees shall have power to lease the same to any person or persons, or company, that will conform to the terms and conditions which shall be fixed and provided by the city council of the city by which the line of railway is owned, which terms may be fixed on said completion, or at any time prior thereto.

SEC. 11. The said city council may, after trustees have been appointed, as provided in this act, advance to said trustees, out of any funds of said city, such sum as is necessary, not exceeding five hundred dollars, for carrying the object for which they were appointed into effect, and said sum shall be repaid out of the fund provided for in this act when raised.



SEC. 12. Deeds and contracts may be made, and proceedings for appropriations and actions may be commenced, either in the name of such city providing the line of railway, or in the name of the trustees of ——— railway (filling the blank with the name given to the railway in the resolution), and said proceedings may be commenced and conducted, either in the court of common pleas or probate court, as in cases of appropriation for the use of municipal corporations.

SEC. 13. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 7, 1880.

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[Senate Bill No. 220.]

AN ACT

To amend section one of an act entitled "an act to authorize cities of the third grade of the second class, with a population, according to the federal census of 1870, of not less than thirteen thousand inhabitants, to build railroads, and to lease, operate, or sell the same," passed and took effect March 27, 1880.

[SANDUSKY.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section one of an act entitled "an act to authorize cities of the third grade of the second class, with a population, according to the federal census of 1870, of not less than thirteen thousand inhabitants, to build railroads, and to lease, operate, or sell the same," passed and took effect March 27, 1880, be so amended as to read as follows:

Section 1. Whenever, in any city of the third grade of the second class, which by the federal census of 1870 had, and which by any subsequent federal census may have a population of not less than thirteen thousand inhabitants, the city council thereof shall, by resolution passed by a majority of the members elected thereto, declare it to be essential to the interest of such city that a line of railway, to be named in said resolution, should be provided between termini designated therein, one of which shall be such city, it shall be lawful for a board of trustees, appointed as herein provided, and they are hereby authorized to borrow as a fund for that purpose, not to exceed the sum of sixty thousand dollars, and to issue bonds therefor, in the name of such city, under the corporate seal thereof, bearing interest at a rate not to exceed six per centum per annum, payable semi-annually, said bonds to be payable at such times and places, and in such sums as shall be deemed best by said board. Said bonds

shall be signed by the president of said board, and attested by the clerk of such city, who shall keep a register of the same, and they may be secured by a mortgage on the line of railway, its net income, and by the pledge of the faith of such city, and a tax which it shall be the duty of the council thereof annually to levy (which tax shall not exceed two mills on the dollar in any one year), to pay the interest and provide a sinking fund for the final redemption of said bonds: provided, that no money shall be borrowed on bonds issued, until after the question of providing the line of railway specified in said resolution shall be submitted to a vote of the qualified electors of such city, at a special election to be ordered by the city council thereof, of which not less than ten days' notice shall be given in two newspapers published in such city; and further provided, that a majority of said electors voting at such election shall decide in favor of such line of railway. The returns of said election shall be made to the clerk of said city, and by him laid before the city council, who shall declare the result by resolution. The bonds issued under the authority of this section shall not be sold or disposed of for less than their par value.

SEC. 2. That said original section one be and the same is hereby repealed.

SEC. 3. This act shall be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 8, 1880.

[House Bill No. 355.]

#### AN ACT

To authorize the payment and transfer of bounty funds to aid in the erection of soldiers' monuments and monumental buildings.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That whenever the trustees of any township, or the commissioners of any county in this state, in which there shall be any association existing under the laws of this state, for the erection of a soldiers' monument or monumental building, shall have the custody or care of bounty moneys collected during or at the close of the late rebellion, and which remain as a balance after the payment of all legitimate claims for said county, it shall be lawful, and such trustees or county commissioners are hereby authorized to deliver and transfer such moneys to the proper officers of such monumental associations, to be employed in the erection of a soldiers' monument or monumental building: provided, that before such funds shall be transferred said trus-

Balance of  
bounty fund  
to be trans-  
ferred to sol-  
diers' monu-  
mental as-  
sociation.

Page 127  
Lower Act.  
Amended  
79 O.L.51.

tees or county commissioners may, at their discretion, require security that the said funds shall be employed for the purpose of a monument or a monumental building, and not otherwise.

SEC. 2. This act shall be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 7, 1880.

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[ House Bill No. 430 ]

### AN ACT

To empower certain county agricultural societies to appropriate private property for the use of such societies.

Proceedings  
for appropri-  
ation of  
lands by  
Hamilton  
county agri-  
cultural so-  
ciety.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That when it shall be deemed necessary by the board of directors of any county agricultural society, in any county containing a city with a population of two hundred thousand inhabitants or more, to enlarge the fair grounds under the control of such society, and the owner or owners of the proposed addition to said grounds and the said board of directors are unable, from any cause, to agree upon the sale and purchase of said additional grounds, the board shall make an accurate plat and description of the land which it desires for said purpose, and file the same with the probate judge of the proper county; and thereupon the same proceedings of appropriation shall be had which are provided for the appropriation of private property by municipal corporations, said board to act for such society therein as the council would for the municipal corporation.

Board of di-  
rectors to  
prosecute  
proceedings.

SEC. 2. That if, under any existing law, it is made the duty of the county commissioners to purchase any such additional grounds for the use of any such society, said board of directors shall prosecute the said proceedings of appropriation to their final conclusion, except so far as relates to payment, or any part of the purchase money, before said commissioners shall be called upon to act in the matter. All such payments or deposits, not exceeding fifteen thousand dollars (\$15,000) in amount, shall be made by said commissioners when required so to do by said board of directors, or by the court, and no delay on the part of said commissioners

shall defeat or prevent the purchase or appropriation aforesaid.

Sec. 3. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 8, 1880.

[Senate Bill No. 134.]

#### AN ACT

To amend sections eight thousand three hundred and ninety-two and eight thousand three hundred and ninety-four of the revised statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That sections eight thousand three hundred and ninety-two and eight thousand three hundred and ninety-four of the revised statutes be and the same are hereby amended so as to read as follows:

Section 8392. That whenever, in any incorporated village, which by the federal census of 1870 had a population of not less than two thousand three hundred and twenty-two, and not more than two thousand three hundred and twenty four, the village council thereof shall, by resolution passed by a majority of the members elected thereto, declare it to be essential to the interests of such village that a line of railway, to be named in said resolution, should be provided between termini designated therein, one of which shall be such village; it shall be lawful for a board of trustees, as herein provided, and they are hereby authorized to borrow, as a fund for that purpose, not to exceed the sum of five per cent. of the value of the property on the tax duplicate of such incorporated village, under the corporate seal thereof, bearing interest at a rate not to exceed seven (7) per cent. per annum, payable semi-annually; said bonds to be payable at such times and places, and in such sums as shall be deemed best by said board; said bonds shall be signed by the president of said board, and attested by the clerk of such incorporated village, who shall keep a register of the same, and they shall be secured by the pledge of the faith of said village; and a tax, which it shall be the duty of the council thereof, annually, to levy, which tax shall not exceed five (5) mills on the dollar in any one year, to pay the interest and provide a sinking fund for the final redemption of said bonds: provided, that said village shall not in any one year levy taxes to a greater amount than fifteen (15) mills on the dollar, including the levy for said bonds: and provided, that no money shall be borrowed on bonds issued until after the question of

Amending  
act author-  
izing town of  
Ripley to  
build a rail-  
way.

providing the line of railway, specified in said resolution, shall have been submitted to a vote of the qualified electors of such incorporated village, at a special election to be ordered by the village council thereof, of which not less than ten (10) days' notice shall be given in the papers published in such village: and further provided, that a majority of said electors voting at said election shall decide in favor of said line of railway. The returns of said election shall be made to the clerk of said incorporated village, and be by him laid before the village council, who shall declare the result by resolution. The bonds issued under the authority of this section shall not be sold or disposed of for less than their par value.

Section 8394. The said trustees and their successors shall be the trustees of said funds, and shall have the control and disbursement of the same; they shall expend said fund in procuring the right to construct, and in constructing a single-track railway, with all the usual appendages, and for the purposes aforesaid shall have the power and capacity to make, contract, appoint, employ, and pay officers and agents, and to acquire, hold and possess, all the necessary real and personal property and franchise; they shall also have power to receive donations of land, moneys, or bonds, and other personal property, and to dispose of the same in aid of said funds.

SEC. 2. That said original sections number 8392 and 8394 be and the same are hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro. tem of the Senate.*

Passed April 7, 1860.

[House Bill No. 284.]

#### AN ACT

To amend section twenty-seven hundred and ninety (2790) of the revised statutes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section twenty-seven hundred and ninety (2790) be amended so as to read as follows:

Duties of  
district  
assessor,  
his descrip-  
tion and val-  
uation of  
real estate.

Section 2790. It shall be the duty of each district assessor to make out from the maps and descriptions furnished him by the county auditor, and from such other sources of information as shall be in his power, a correct and pertinent description of each tract and lot of real property in his district; and when he shall deem it necessary to obtain an accurate description of any separate tract or lot in his dis-

trict, he may require the owner or occupier thereof to furnish the same, with any title papers he may have in his possession; and if such owner or occupier, upon demand made for the same, shall neglect or refuse to furnish a satisfactory description of such parcel of real property to such assessor, he may employ a competent surveyor to make out a description of the boundaries and location thereof, and a statement of the quantity of land therein, and the expense of such survey shall be returned by such assessor to the auditor of his county, who shall add the same to the tax assessed upon such real property; and it shall be collected by the treasurer of the county with such tax, and when collected, shall be paid on demand to the person to whom the same is due; and he shall, in all cases from actual view, and from the best sources of information within his reach, determine as near as practicable the true value of each separate tract and lot of real property in his district, according to the rules prescribed by this chapter for valuing real property; and he shall note in his plat-book, separately, the value of all dwelling houses, mills, and other buildings, which exceed one hundred dollars in value, on any tract of land or plat of land not incorporated, or on any land or lot of land included in any municipal corporation which shall be carried out as a part of the value of such tract; he shall also enter on his plat-book the number of acres of arable or plow land, the number of acres of meadow and pasture land, and the number of acres of wood and uncultivated land in each tract, as near as may be. [56 v. 175, § 27.]

SEC. 2. That [said] section 2790 of the revised statutes be and the same is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL.

*Speaker of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Passed April 8, 1880.

[Senate Bill No. 216.]

#### AN ACT

To authorize certain cities to build railroads, and to lease or operate the same.

[PORTSMOUTH.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That whenever, in any city of the second class, which by the federal census of 1870 had, and which by any subsequent federal census may have, a population of ten thousand five hundred and ninety-two (10,592) the city council thereof shall, by a resolution passed by a majority of

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Portsmouth.  
See  
78 O.L. 132.

the members elected thereto, declare it to be essential to the interests of such city that a line of railway, to be named in said resolution, should be provided between termini designated therein, and situated wholly or partly in said city, it shall be lawful for a board of trustees, appointed as herein provided, and they are hereby authorized, to borrow as a fund for that purpose not to exceed the sum of fifty thousand dollars, and to issue bonds therefor, in the name of said city under the corporation seal thereof, bearing interest at a rate not exceeding six per centum per annum, payable semi-annually. Said bonds to be payable at such times and places, and in such sums as shall be deemed best by said board. Said bonds shall be signed and sealed by the president of said board, and the mayor of said city, and attested by the clerk or auditor of said city, who shall keep a register of the same, and they shall be secured by the pledge of the faith of said city, and a tax which it shall be the duty of the council annually to levy (which tax shall not exceed three mills on the dollar in any one year in addition to the amount otherwise authorized by law), to pay interest and provide a sinking fund for the final redemption of said bonds: provided, that no money shall be borrowed on bonds issued until after the question of providing the line of railway specified in said resolution shall be submitted to a vote of the qualified electors of said city, at a special election to be ordered by the council thereof, of which not less than twenty days' notice shall be given by publishing, for three successive weeks, such notice in the newspapers, printed in the county wherein such city is located and of general circulation in such city: further provided, a majority of said electors, voting at such election, shall decide in favor of said railway. The returns of said election shall be made to the city clerk, and by him be laid before the city council, who shall declare the result by resolution. The bonds issued under the authority of this section shall not be sold or disposed of for less than their par value.

SEC. 2. If a majority of the votes cast at said election shall be in favor of providing the line of railway, as specified in the first section, it shall be the duty of the city solicitor, forthwith, to file a petition in the court of common pleas in which such city is situate, praying that the judge thereof will appoint five trustees, who shall be electors and freeholders of said city, to be called the trustees of \_\_\_\_\_ railway (the blank to be filled with the name of the railway as given in the resolution), and it shall be the duty of said judge either in term time or vacation to make the appointment, and enter the same upon the minutes or journals of the court. They shall enter into bond to the city in such sum as the judge may direct, with one or more sufficient sureties to be approved by the judge, conditioned for the faithful discharge of their duties. The bond

so taken shall be deposited with the treasurer of the city for safe keeping.

SEC. 3. The said board of trustees and their successors shall be the trustees of said fund, and shall have the control and disbursement of the same. They shall expend said fund in procuring the right to construct and in constructing a railway, with all the proper appendages, and, if deemed necessary, a line of telegraph between the termini specified in said resolution, and for the purpose aforesaid, shall have the power and capacity to make contracts, appoint, employ, and pay officers and agents, and to acquire, hold, and possess, all the necessary real and personal property and franchises. They shall also have power to receive donations of land, money, bonds, and other personal property, and to dispose of the same in aid of said fund.

SEC. 4. The said trustees shall form a board, and shall choose one of their number president, who shall also be the acting trustee, with such powers as the board may, by resolution, from time to time, confer upon him. A majority of said trustees shall constitute a quorum, and they shall hold regular meetings for the transaction of business, at their office in the city, under whose action they are appointed, but they may adjourn, from time to time, to meet at any time they may think proper. They shall keep a record of their proceedings, and cause to be kept a full and accurate account of their disbursements, and make a report of the same to the city council annually and whenever requested so to do by a resolution of the city council. No money shall be drawn from said fund but upon the order of said board, except their own compensation, which shall be paid out of the same, upon the recommendation of the city council and allowance by the court appointing them, and shall be apportioned according to their respective services.

SEC. 5. Said trustees shall have power to take such security from any officer, agent, or contractor chosen, or appointed, or employed by them as they shall deem advisable. They shall not become surety for any such officer, agent, or contractor, or be interested, directly or indirectly, in any contract concerning said railway. They shall be responsible only for their own acts.

SEC. 6. Whenever the city council of such city shall have reason to believe that any one of said trustees has failed in the faithful performance of his trust, it shall be the duty of the council to instruct the city solicitor to apply to the court that appointed said board of trustees, by petition, praying that such trustee be removed, and another be appointed in his place, and if the said solicitor shall fail to make application after request of any of the holders of the bonds issued by said board of trustees, or by a tax-payer of such city, such bondholder or tax payer may file a petition in his own name, on the behalf of the holders of such bonds, for like relief, in any court having jurisdiction; and if the court hearing the action



shall judge in favor of the plaintiff, such court shall remove such trustee and appoint another in his stead; and when a vacancy shall occur in said board from any other cause, it shall be filled in like manner.

SEC. 7. Whenever, in the construction of a line of railway, as herein provided, it shall be necessary to appropriate land for the foundation of the abutments or pier of any bridge across any stream, or for any other purpose, or to appropriate any rights or franchises, proceedings shall be commenced and conducted in accordance with the laws in force at the time for the appropriation of such private property for the use of municipal corporations, except that the oath and verdict of the jury, and judgment of the court, shall be varied to suit the case.

SEC. 8. Whenever there shall be, between the termini designated in any resolution passed under this act, a railroad already partially constructed, or rights of way acquired therefor, which can be adopted as parts of the line provided for in said resolution, the trustees of said line may purchase or lease the said railroad, or right of way, and pay for the same out of the trust fund.

SEC. 9. Whenever, in the construction of a line of railway, as herein provided, the said board of trustees shall find it necessary to use or occupy any street, alley, or other public way, space, or ground, or any part thereof, they shall have the right so to do, upon such terms as the city council, or other authorities having control thereof, may prescribe.

SEC. 10. On the final completion of any line of railway, constructed under the provisions of this act, the board of trustees shall have power to lease the same to any person or persons, or company, that will conform to the terms and conditions which shall be fixed and provided by the city council of the city by which the line of railway is owned, which terms may be fixed on said completion, or at any time prior thereto.

SEC. 11. That the said city council may, after trustees have been appointed as provided in this act, advance to said trustees, out of any funds of said city, such sum as is necessary, not exceeding five hundred dollars, for carrying the object for which they were appointed into effect, and said sum shall be repaid out of the fund provided for in this act when raised.

SEC. 12. Deeds and contracts may be made, and proceedings for appropriations and actions may be commenced, either in the name of such city providing the line of railway, or in the name of the trustees of ——— railway (filling the blank with the name given to the railway in the resolution), and said proceedings may be commenced and conducted, either in the court of common pleas or probate court, as in cases of appropriations for the use of municipal corporations.

SEC. 13. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 7, 1880.

[House Bill No. 182.]

AN ACT

To amend section 1521 of the revised statutes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 1521 of the act passed June 20, 1879, entitled "an act to revise and consolidate the general statutes of Ohio," be so amended as to read as follows :

Section 1521. The assessor is authorized and required to administer an oath to every person upon whom he calls to list property for taxation. Should the assessor neglect to administer said oath, for every such offense, he shall be fined not less than fifty nor more than two hundred dollars, unless such person declines to take such oath, or is unable from sickness or absence.

Assessor to administer oath to person listing property for taxation. Penalty for neglect.

SEC. 2. That said section 1521 of the above entitled act, be and is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 8, 1880.

[House Bill No. 105.]

AN ACT

To amend section 6968 of the revised statutes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 6968 of the revised statutes of Ohio, be so amended as to read as follows :

Section 6968. Whoever in any of the waters of any creek, river, canal, lake, pond, or reservoir, or in any body of water, whether artificial or natural, lying within the state of Ohio, except the waters of Lake Erie, Mercer county reservoir, Laramie reservoir, in Shelby county, and Licking reservoir, kills or catches in any other way than by hook and line, shot-gun, or spearing, any fish, except minnows, or owns or

Unlawful to kill or catch fish except by hook and line, at any time, except in certain waters.

Page 135  
Sec. 6968.  
Amended.  
78 O.L.247.

Catching fish  
in private  
ponds.

possesses any fish-pond, fish-net, fish-trap, or fish-seine, except seines to catch minnows, in or connected with any of the waters of the state of Ohio, except the waters of Lake Erie, Mercer county reservoir, Laramie reservoir, in Shelby county, and Licking reservoir, or whoever, in any way, maliciously disturbs any fish in any private fish-pond, shall be fined for each offense not more than fifty dollars nor less than ten dollars, or imprisonment [imprisoned] not more than sixty days nor less than ten days; and it shall be unlawful to catch or destroy any fish in any manner except with hook and line, shot-gun, or spearing, during the spawning season, except in reservoirs containing one thousand acres or more, and the waters of Lake Erie, and the bays tributary thereunto, from the first day of April to the fifteenth day of June, with the same penalties for a violation of this provision as herein prescribed in other cases.

Section 6968a. It shall be unlawful for any fisherman, fish-dealer, or other person, to catch, except with hook and line, any fish, except minnows, in the waters of Lake Erie, and bays tributary thereunto, between the twenty-fourth (24th) day of May, and the first day (1st) of September in each year; or buy, sell, or offer for sale, any fresh or salted fish so caught in said waters, except with hook and line, between the twenty-fourth (24th) day of May and the first (1st) day of September; and it shall be unlawful to take white-fish with gill-nets in the waters of Lake Erie during the spawning season.

Unlawful to  
catch fish,  
except with  
hook and  
line, in cer-  
tain waters  
between  
the twenty-  
fourth of  
May and  
first of Sep-  
tember.

Penalty.

Section 6968b. Any person infringing upon any of the provisions of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof, be fined in any sum not exceeding fifty dollars nor less than ten dollars, or be imprisoned not more than sixty days nor less than ten days, or both, at the option of the court, for each offense, and the mayors of cities and all justices of the peace shall have jurisdiction.

Section 6968c. Any and all nets and fishing material in the possession of any person as principal or agent, used in the infringement of any of the provisions of this act, shall be held for the payment of any fines assessed or costs accruing in prosecutions under this act; and any person is hereby authorized to make complaint and prosecute for infringement of any provision of this act, receiving therefor one-half of any fine assessed in money for such infringement.

SEC. 2. That said section six thousand nine hundred and sixty-eight be and the same is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 7, 1880.

Page 136  
Sec. 6968a.  
Repealed.  
78 O. L. 247.

Page 136  
Sec. 6968b.  
Repealed.  
78 O. L. 247.

Page 136  
Sec. 6968c.  
Repealed.  
78 O. L. 247.

Fishing ma-  
terial, nets,  
etc., to be  
held for pay-  
ment of fines.

[House Bill No. 306.]

## AN ACT

To establish the fees and pay of certain county officers in counties having a population at the last federal census of not less than one hundred thousand, and not more than one hundred and fifty thousand inhabitants, being supplementary to sections 1013 to 1162, inclusive, and amendatory of sections 1341, 1345, 1347, 1355, and 1358 of the revised statutes (vol. 1).

137,  
Act. Sec  
85 v. 69.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That in all counties of the state, having at the last federal census a population of not less than one hundred thousand and not more than one hundred and fifty thousand inhabitants, the fees and pay of the county recorder, the county auditor, and the county treasurer, shall be as follows:

SEC. 2. The fees of the county recorder shall be for recording a mortgage, deed, conveyance, power of attorney, or other instrument of writing, ten cents for every hundred words actually written on the records, and ten cents for indexing the same, to be paid on the presentation of such instruments for record; for certifying copy from the records, ten cents for every hundred words; for recording assignment or satisfaction of mortgage, or discharge of a soldier, twenty-five cents; for every search of the record, without copy, fifteen cents; for recording any plat, not exceeding six lines, one dollar, and for each additional line, five cents, and the recorder shall be allowed such further compensation as is provided for in section 1158 of the revised statutes.

Fees of county recorder in Cuyahoga county.

SEC. 3. The fees and compensation of the county auditor shall be the same as is provided in sections 1069, 1070, 1071, 1072, 1073, and 1076 of the revised statutes; and in addition thereto, in lieu of the fees and compensation provided for in sections 1074 and 1075 of the revised statutes, he shall receive fees as follows: For placing on the grand duplicate special assessments and sewerage taxes, as certified by the city auditor, for each description of property sought to be assessed, eight cents: provided, that such allowance shall not exceed five-tenths of one per cent. of the amount actually collected.

Fees of county auditor in Cuyahoga county.

SEC. 4. The fees and compensation of the county treasurer shall be as follows: On settlement, semi-annually, with the auditor, he shall be allowed on all moneys collected on the grand duplicate, as follows: On the first ten thousand dollars, two and one-half per cent.; on the next ten thousand dollars, one and one-half per cent.; on the next ten thousand dollars, one per cent.; on the next two hundred thousand dollars, seven-tenths of one per cent.; on all moneys collected for school purposes, such compensation as is provided in section 3960 of the revised statutes; on all moneys collected on any special duplicate, *seven-tenths* of one per cent.; on all other moneys collected on the tax duplicate, four-tenths of one per cent., and on all moneys collected

Fees and compensation of county treasurer in Cuyahoga county.

otherwise than on the duplicate, the following percentage on licenses, fines, forfeitures, bonds, recognizances: on the first one thousand dollars, *ten* per cent., and on all over one thousand dollars, *five* per cent.; and on all other moneys collected, on the first ten thousand dollars, one per cent., and on any excess, five-tenths of one per cent.; but no compensation, percentage, commission, or fees shall be allowed on any moneys received by him from the state treasurer, or from his predecessor in office, or the legal representative or sureties of such predecessor, or on any moneys received from the proceeds of the bonds of the county or of any municipal corporation.

SEC. 5. That section 1341 of the revised statutes be amended to read as follows:

Fees of county officers in Hamilton county to be paid over to county.

Section 1341. The fees, costs, percentage, penalties, allowances, and all other perquisites of whatever kind, which, by law, the clerk of the courts, probate judge, sheriff, either as such, or as special master commissioner, or receiver in any case, treasurer, auditor, recorder, and coroner, in Hamilton county, may always receive and collect for any efficient services rendered; shall be received and collected by said officers, respectively, for the sole use of the treasury of said county as public moneys belonging to it, and shall be accounted for and paid over as such in the manner hereinafter provided.

SEC. 6. That said section 1345 of the revised statutes be amended to read as follows:

Salaries of county officers in Hamilton county.

Section 1345. After deducting from the whole amount of the costs, fees, percentages, penalties, allowances, and perquisites collected by said officers collectively during each year, the amount allowed and paid for the compensation of deputies, clerks, book-keepers, and other assistants, and other necessary expenses of said officers, each shall be allowed to receive an annual compensation for his services out of the costs, fees, percentages, allowances, perquisites, and penalties so collected and paid into the fee fund in Hamilton county, as follows: clerk, five thousand dollars; sheriff, five thousand dollars; treasurer, seven thousand dollars; auditor, five thousand dollars; recorder, three thousand five hundred dollars; probate judge, five thousand dollars; and coroner, three thousand dollars; which sums shall be paid to them quarterly out of the fee fund upon the warrant of the county auditor: it being the intent and meaning of this section to limit the maximum annual compensation, from every source of the officers named, to the sums herein named.

SEC. 7. That section 1347 of the revised statutes be amended to read as follows:

County or commissioners not liable for payment of salaries except out of fee fund.

Section 1347. Nothing in the sections relating to the compensation of officers in Hamilton county shall be so construed as to make the county or the commissioners thereof liable to any of the officers named herein, or their deputies, clerks, book-keepers, or other assistants, for the payment of

any salaries or compensation except out of the fee fund of the county.

Sec. 8. That section 1355 of the revised statutes be amended to read as follows:

Section 1355. When the net accumulated fund in the county treasury to the credit of the fee fund arising from fees, costs, percentages, penalties, allowances, or perquisites of the offices named herein exceed thirty thousand dollars over and above the expenses of said officers, the county auditor, upon the order of the county commissioners, shall transfer from said fee fund to the general fund, for the use of the county, any sum that has accumulated over and above the sum of thirty thousand dollars in Hamilton county.

Fee fund in excess of certain sum to be transferred to county fund.

Sec. 9 That section 1358 of the revised statutes be amended to read as follows:

Section 1358. Nothing in the preceding sections relating to fees of officers in Hamilton county shall be construed to vest in any of said officers entitled to any of the fees, costs, percentages, penalties, or other perquisites remaining unpaid at the end of the official terms of such officers, but the same shall be the property of the county, to be collected by the successors in office and applied as herein provided

Fees to be property of county.

Sec. 10. That said original sections 1341, 1345, 1347, 1355, 1358, and also sections 1359 and 1364 of the revised statutes be and the same are hereby repealed.

Sec. 11. That this act shall not affect the fees or compensation of any officer elected and qualified prior to the first day of January, 1880.

Sec. 12. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 8, 1880.

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[House Bill No. 468.]

#### AN ACT

To cede jurisdiction to the United States of certain lands in the city of Toledo.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That jurisdiction of the land and the appurtenances thereto which may be purchased in the city of Toledo for the erection of a public building for the use aforesaid, be and is hereby ceded to the United States of America: provided, however, that all civil and criminal process issued under the authority of said state, or any officer thereof, may be executed on said land, and in said building that may be

erected thereon, in the same manner as if jurisdiction had not been ceded as aforesaid.

SEC. 2. That the land above described, with the appurtenances and all buildings to be erected, and other property that may be thereon, shall hereafter be exempted from all state and county and municipal taxation and assessment whatever, so long as the same shall remain the property of the United States of America.

SEC. 3. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 9, 1880.

[ House Bill No. 153. ]

#### AN ACT

To protect manufacturers, bottlers, and dealers in ginger-ale, seltzer-water, soda-water, mineral-water, and other beverages from the loss of their bottles and boxes.

Manufacturers of ginger-ale, soda-water, etc., may file with secretary of state and county clerk description of bottles used by them, and cause the same to be printed in newspaper.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That all persons engaged in the manufacture, bottling, or selling of ginger-ale, seltzer-water, soda-water, mineral-water, or other beverages, in bottles or boxes, with the name or names or initials of the owner or owners thereof blown, stamped, or marked thereon, may file in the office of the secretary of state, and also in the office of the county clerk of the county in which such articles are manufactured, bottled, or sold, the name or names or initials so used by them, and cause the same to be printed for six successive weeks in a weekly newspaper, printed in the English language, in counties where no daily newspaper is printed or published; and in counties where a daily newspaper is printed and published, the same shall also be published in a daily newspaper of general circulation, printed in the English language, six times a week for six consecutive weeks, in counties where such articles are manufactured, bottled, or sold.

Unlawful to use such bottles without consent of owners.

SEC. 2. It is hereby declared to be unlawful for any person or persons hereafter, without the written consent of the owner or owners thereof, to fill with ginger-ale, soda-water, mineral-water, or other beverage, or any other articles of merchandise, medicine, compound, or preparation, for sale, or to be furnished to customers, any such bottles or boxes, with their names or initials so marked or stamped, or to sell, dispose of, buy, or traffic in, or wantonly destroy any such bottle or box so marked or stamped by the owner or owners thereof, after such owner or owners shall have complied

with the provisions of the first section of this act. Any person or persons who shall violate any of the provisions of this act shall be deemed guilty of a misdemeanor, and, upon conviction thereof before any court of competent jurisdiction in this state, shall be fined five dollars (\$5.00) for each and every box, and fifty cents for each and every bottle so by him, her, or them filled, bought, sold, used, trafficked in, or wantonly destroyed, or by him, her, or them caused to be so filled, bought, sold, used, trafficked in, or wantonly destroyed, together with the costs of suit for the first offense, and ten dollars (\$10.00) for each and every box, and one dollar for each and every bottle so filled, bought, sold, used, trafficked in, or wantonly destroyed, or cause to be so filled, bought, sold, used, trafficked in, or wantonly destroyed, together with the costs of suit for each subsequent offense.

**Penalty.**

SEC. 3. In case the owner or owners of any bottle or box so marked, stamped, and registered as aforesaid, shall, in person or by agent, make oath in writing, before any justice of the peace or police judge, that he has reason to believe, and does believe, that any manufacturer or bottler of gingerale, seltzer-water, soda, mineral-water, or other beverages, or any other person, is using in any manner by this act declared unlawful, any of the casks, barrels, kegs, bottles, or boxes of such person or his principal, or that any junk-dealer, or other dealer, or manufacturer, or bottler, has any bottle or box secreted in, about, or upon, his, her, or their premises, the said justice of the peace or police judge shall issue his search-warrant, and cause the premises designated to be searched as in other cases where search warrants are issued, as is now provided by law, and in case such bottle or box, with owners names or initials stamped and registered as aforesaid, shall be found in, upon, or about the premises so designated, the officer executing such search-warrant shall thereupon arrest the person or persons named in such warrant and bring him, her, or them before [the justice of the peace or] police judge who issued such warrant, who shall thereupon hear and determine such case, and, if the accused is found guilty, he, she, or they shall be fined as provided in the second section of this act.

**Search-warrant may be issued on affidavit of owners of bottles.**

**Proceedings in such case.**

SEC. 4. All cost incurred in the enforcement of the provisions of this act shall be assessed and collected in the same manner as in criminal cases, and all fines collected by virtue of this act shall be turned over by the court collecting the same, in the same manner, and for the same purpose as fines in cases of assault and battery are now by law disposed of.

**Costs in such case : how disposed of.**

SEC. 5. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 9, 1880.



AN ACT

Supplementary to chapter 3, division 9, title 12 of the revised statutes of Ohio, 1880.

SECTION 2927a. [2729a.] *Be it enacted by the General Assembly of the State of Ohio*, That the sinking fund commissioners in cities of the first grade of the first class, for the purpose of refunding the bonded debt, exclusive of street improvement bonds of the city for which such trustees act, at a lower rate of interest, and for the purpose of buying the fee simple of real estate held by the city under perpetual leases, wherein is secured to the city the option to buy the fee simple at a fixed price, and where the money to buy can be procured at a smaller rate of interest on the price than is represented by the stipulated rents, shall have power to make and issue the bonds of such city, with coupons or registered, due fifty years and redeemable thirty years from date, bearing interest at a rate not greater than five (5) per centum per annum, payable semi-annually, to an aggregate amount not exceeding twenty-six millions of dollars, to be known as the consolidated sinking fund bonds (filling the blank with the name of the city issuing the bonds). The bonds shall be signed by the president of the trustees of the sinking fund, countersigned by the auditor of the city, and have the seal of the city issuing them affixed.

SEC. 2927b. [2729b.] Such of the bonds, in this act provided for, as may be intended and used for refunding bonded debt, which is payable out of or chargeable upon a special fund or special source of revenue, or is secured in whole or in part by any pledge or lien, shall be so lettered and numbered as to show the debt to which it is applicable. The secretary of the trustees of the sinking fund shall keep separate accounts of the proceeds and application thereof of bonds used to refund such debts, and of the revenues and sinking fund applicable to each class of said bonds, unless and until otherwise provided by law. Purchasers of any bonds authorized by this act shall not be held responsible for the application of purchase money. The property, credit, and revenues of the city issuing such bonds shall stand pledged alike for all the bonds issued, without priority of right of any part of the bonds so issued by reason of priority of the date or sale of the same, or for any other reason.

SEC. 2927c. [2729c.] No consolidated bonds provided for in this act shall be made unless or until the trustees of the sinking fund shall, by unanimous vote, have first made a contract with responsible parties, under ample security, for refunding at least a proportionate amount of the existing debt, on terms advantageous to the city, nor shall any of them be issued for any purpose other than the purpose herein authorized.

Fund commissioners of Cincinnati authorized to refund bonded debt.

142, §2729a  
Am.  
82 v. 9.

How bonds to be numbered and lettered.

142, §2729b  
Am.  
82 v. 10.

Secretary of trustees of sinking fund to keep separate accounts.

Property of city pledged for all bonds issued.

142, §2729c  
Am.  
82 v. 10.

No bonds to be issued until contract made.

SEC. 2927d. [2729d.] So long as the sinking fund of such city shall be insufficient to pay, when due, interest and principal of any and all outstanding bonds issued under this act, the security and means of payment provided for in sections two thousand seven hundred and twelve, two thousand seven hundred and thirteen, two thousand seven hundred and fourteen, two thousand seven hundred and twenty-one, two thousand seven hundred and twenty-six, two thousand seven hundred and twenty-seven, two thousand four hundred and twelve, two thousand two hundred and twenty-eight of the revised statutes of Ohio, 1880, shall not be impaired, but shall stand pledged to the payment of interest and principal of said bonds.

Security for  
payment of  
bonds to re-  
main unim-  
paired.

143, §2729d  
Am.  
82 v. 10.

SEC. 2927e. [2729e.] The trustees of the sinking fund of any city of the first grade of the first class are authorized to employ a clerk, who shall give his whole time, or so much of it as they shall find necessary, to their assistance and for a reasonable compensation, proportioned to service rendered, which shall be paid out of the sinking fund, and repaid to the sinking fund out of the general fund of the city not otherwise appropriated. Necessary expenses of the trustees of the sinking fund in issuing bonds, negotiating the refunding of the city debt, or other duties imposed by this act, shall be paid from the sinking fund, and repaid from the general fund of the city not otherwise appropriated.

Trustees au-  
thorized to  
employ a  
clerk.

143, §2729e  
Am.  
82 v. 10.

Expenses of  
trustees to  
be paid out  
of sinking  
fund.

This act shall be in force from and after its passage.

THOS. A. COWGILL,

*Speaker of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Passed April 9, 1880.

[House Bill No 483.]

#### AN ACT

To amend section 3698 of the revised statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 3698 of the revised statutes of Ohio be amended to read as follows :

Section 3698 The several county or district societies which may be formed under the provisions of the preceding section shall, annually, offer and reward premiums for the improvement of soils, tillage, crops, manures, implements, stock, articles of domestic industry, and such other articles, productions and improvements as they deem proper, and may perform all such acts as they deem best calculated to promote the agricultural and household manufacturing interests of the district and of the state, and shall regulate the amount of premiums, and the different grades of the same, so that it shall be competent for small as well as large farmers to have an opportunity to compete therefor, and, in making their awards, special reference shall be had to the profits which accrue, or are likely to accrue from the improved

For what  
premiums  
may be of-  
fered by ag-  
ricultural  
societies.

mode of raising the crop, or of improving the soil, or stock, or of the fabrication of the articles thus offered, so that the premium shall be given for the most economical mode of improvement; and all persons offering to compete for premiums on improved modes of tillage, or the production of any crops or other articles shall be required, before such premium is adjudged, to deliver to the awarding committee a full and correct statement of the process of such mode of tillage or production, and the expense and value of the same, with a view of showing accurately the profits derived or expected to be derived therefrom: provided, that during any year, when the state board of agriculture shall hold its fair upon the grounds of any county or district agricultural society, such society shall be excused, if its board of directors so decide, from complying with the provisions of this section, and shall incur no forfeiture of its rights as such agricultural society by reason of not holding such fair.

SEC. 2. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 9, 1880.

[House Bill No. 232]

#### AN ACT

To amend section two thousand two hundred and sixty-nine (2269) of the revised statutes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section two thousand two hundred and sixty-nine (2269) of an act entitled "an act to revise and consolidate the general statutes of Ohio," passed June 20, 1879, be amended so as to read as follows, viz:

Section 2269. In making a special assessment, according to valuation, the council shall be governed by the assessed value of the lots, if the land is subdivided and the lots are numbered and recorded; but if the lots are not assessed for taxation, or if there is land not subdivided into lots, the council shall fix the value of the lots or the value of the front of such land to the usual depths of lots by the average of two blocks, one of which shall be next adjoining on each side, and if there are no blocks so adjoining, the council shall fix the value of the lots or lands to be assessed so that it will be a fair average of the assessed value of other lots in the neighborhood; and if in making a special assessment by the foot front, there is land bounding or abutting said improvement not subdivided into lots, or if there be lots numbered and recorded, bounding or abutting said improvements, and lying lengthwise of said improvements, the council shall fix, in like manner, the front of such land and such lots to the

Page 144  
Sec. 2269.  
Amended  
81 O. L. 86.

Rules for  
making as-  
sessments.

Special as-  
sessments.

usual depth of lots, so that there will be a fair average of the depth of lots in the neighborhood which are subject to such assessments, and this section shall be applicable to all special assessments provided for in this chapter.

SEC. 2. Original section 2269 is hereby repealed.

SEC. 3. This act shall take effect from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 9, 1880.

[House Bill No. 177.]

# AN ACT

To amend sections 4909 and 6884 of the revised statutes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That sections four thousand nine hundred and nine and six thousand eight hundred and eighty-four of the revised statutes of Ohio be so amended as to read as follows:

Section 4909. Any person or any board of education, or any agricultural or religious society may appropriate, on either side of any public road of legal width, sufficient land to construct thereon a public sidewalk not exceeding six feet in width; but such sidewalks shall not in any manner obstruct any private entrance or public highway.

Section 6884. Whoever sets up any table, stand, tent, wagon, or other article, to use or let for profit, on a public foot-walk or sidewalk constructed by any person, or any board of education, or any agricultural or religious society according to law, or rides, drives, leads, or hitches, any horse or other animal, on any such foot-walk or sidewalk, or in any other way obstructs the same, or digs up, or removes any of the material of which the same is composed, shall be fined not more than twenty-five nor less than five dollars, or imprisoned not more than ten days, or both.

SEC. 2. That sections 4909 and 6884 are hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 9, 1880.

Sidewalks  
along roads  
authorized.

Page 145  
Sec. 4909,  
Amended  
79 O.L.131.

Obstructing  
or injuring  
certain side-  
walks.

Page 145  
Sec. 6884.  
Amended  
79 O.L.131.

## AN ACT

Supplementary to section 3796 of the revised statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the following section be enacted as supplementary to the above mentioned chapter of the revised statutes, with sectional numbering, as herein provided:

Secret benevolent society empowered to invest reserve funds.

Section 3796a. That any secret benevolent association, or society, incorporated under or by the laws of the state, which shall have any reserve or accumulated funds, or moneys, held by them for the purpose of endowment of the widows, orphans, families, or heirs of the members of such benevolent society or association, shall have the right and power to invest such funds or moneys upon interest, and shall take securities for such investment upon real or personal property, or otherwise, as such society or association may deem fit.

May elect trustees to take charge of such funds.

Section 3796b. Any such association or society may elect a board of trustees, consisting of not less than three members, to whom they may entrust the right to manage, control, take charge of, invest, collect, demand, receive, and deposit all reserves, surplus, or accumulated funds or moneys, which such association or society holds or may hold, from time to time, for the purpose of such endowments as are named in the first section of this act.

Society to fix terms of trustees and define their duties, powers, etc.

Section 3796c. Any association or society, as aforesaid, may, by law, define and limit the term of office of each and all of the said trustees; may define the duties and powers of said trustees, and of said board of trustees; may remove either one for good cause; may fill all vacancies occurring in said board; shall demand from each of said trustees security for the faithful performance of their several duties, as it may deem fit; shall have power to cause investments to be made by said trustees, in the name or names of either or all of them, and in which name or names suit may be brought; may empower said trustees to discharge, acquit, and release all claims or demands of such association or society upon payment thereof. Such trustees may sue for any claim or demand, for any loan or investment heretofore made or hereafter to be made by any such association or society; and upon foreclosure of any mortgage held by such association or society, for any investment or loan, may purchase and hold any lands, tenements, or interest in land, in fee or otherwise, and may lease, rent, sell, and convey the same by deed.

May sue and be sued.

Section 3796d. Any such association or society may sue or be sued, answer or be answered unto, plead or be impleaded in any court in this state.

Society may accept donations.

Section 3796e. Any such association or society shall have power to accept and receive any donation or voluntary contribution, may collect its assessments, which shall not ex-

ceed one-fifth of one per centum of the amount payable at the death of a member; may pay endowments in the mode and to the persons named and provided by its laws, but in no case exceeding in the aggregate five thousand dollars on the death of any one member.

SEC. 2. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem of the Senate.*

Passed April 9, 1880.

May pay endowment not exceeding \$5000.

[House Bill No. 307.]

### AN ACT

To create the office of state supervisor of oils, and to amend title three, chapter fifteen, of the revised statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That title three, chapter fifteen, of an act entitled "an act to revise and consolidate the general statutes of Ohio," passed June 20, 1879, be so amended as to read as follows:

Page 147  
Sec. 394.  
Amended  
81 O.L. 140.

Section 394. All mineral or petroleum oil, or any oil, fluid, or substance which is a product of petroleum, or into which petroleum or any product of petroleum enters or is found as a constituent element, whether manufactured within this state or not, shall be examined as provided in this chapter, before being offered for sale or sold for consumption for illuminating purposes within the state; and such inspection shall be conducted, as herein provided, in the following manner: The test shall be made in a test-cup of metal or glass, cylindrical in shape, two and a quarter inches in diameter, and four inches deep, both measurements being made inside the cup, and this cup shall be filled to within one quarter of an inch of the brim with the oil or other substance to be tested, taken at the ordinary temperature; the cup shall be placed in a water-bath sufficiently large to leave a clear space of one inch under the cup, and three-eighths of an inch around it, and in such manner as to project about one-quarter inch above the water-bath; the space between the cup and the water-bath shall be nearly filled with cold water, taken at the ordinary temperature, and the cup being placed in the water-bath, the latter shall be heated by an alcohol lamp, with its flames so graduated that the rise in temperature from sixty degrees Fahrenheit to the highest temperature, shall not be less than two degrees per minute, and shall be as near two degrees per minute as is practicable, and shall in no case exceed four degrees per minute; a Fahrenheit ther-

Manner of inspection of petroleum oils.

mometer shall be suspended in such a manner that the upper surface of its bulb shall be as near as practicable one quarter of an inch below the surface of the oil undergoing test; as soon as the temperature reaches the point of ninety-eight degrees Fahrenheit, the lamp shall be removed from under the water-bath, and the oil shall then be allowed to rise to the temperature of one hundred degrees Fahrenheit, by the residual heat of the water, and at that point the first test for flash shall be made as follows: A taper, hereinafter described, shall be lighted, and the surface of the oil shall be touched with the flame of the taper, and it is lawful to apply this flame either to the center of the oil surface or to any or all parts of it, but the taper itself shall not be plunged into the oil, and if no flash takes place upon the first contact [contact] of the flame with the oil, the taper shall not be held in longer contact [contact], but shall be immediately withdrawn; if no flash takes place at the temperature of one hundred degrees Fahrenheit, the lamp shall be replaced under the water-bath, and the temperature raised to one hundred and three degrees, when the lamp shall be again withdrawn, and the oil allowed to rise to one hundred and five degrees by the residual heat of the water, when the test shall be made at one hundred and five degrees by again applying the flame of the taper, as hereinbefore specified; if no flash occurs, the test shall be repeated as often as the oil gains five degrees in temperature, three degrees with the lamp under the water-bath and two degrees with the lamp removed; these tests shall be repeated until the flash is obtained; the supervisor shall further test the oil by applying the taper at every two degrees rise, without removing the lamp or stirring, but if a flash is obtained by this means by a less rise in temperature than the five degrees herein required, he shall at once remove the lamp, stir the oil, and immediately apply the flame; the taper used for testing may be made of any wood giving a clear flame, and it shall be made as slender as possible, and with a tip not more than one sixteenth of an inch in thickness; no taper or match with sulphur upon it shall be used; unless the sulphur is removed before lighting; when the taper is lighted, it shall be applied to the oil immediately, that is to say before an ash or coal has had time to form on the end of the taper beyond the flame, and in applying the taper the flame shall be made to touch the oil, but the taper itself shall not be brought in contact with the oil; and if the taper is so brought in contact with the oil, but not held there longer than for the space of one second, and the oil flashes, the test shall not thereby be vitiated, but the supervisor shall immediately remove the lamp, and again test the oil by the flame, without allowing the body of the taper to touch the oil; no oil or other substance which, by the test herein described, flashes at any temperature below one hundred and twenty degrees Fahrenheit shall be allowed to be sold, or offered for sale, or consumed

for illuminating purposes in this state; but it shall be deemed a sufficient compliance with the provisions of this section to test the oil or oils herein described by an apparatus known as the "Foster cup," or Foster's automatic oil-tester; and it is lawful to sell, for illuminating purposes, any oil or oils herein described, to be consumed within the state, which bear a flash test of one hundred and twenty degrees Fahrenheit, as shown by said apparatus; and the state supervisor is hereby authorized to substitute the test by the Foster cup, or Foster's automatic oil-tester, instead of the test by the open cup, as herein provided, if, in his judgment, by such a change a greater uniformity of test throughout the state will be secured. [75 v. 504, § 1.]

Section 395. Immediately upon the taking effect of this act, the governor shall appoint, by and with the advice and consent of the senate, a skilled and suitable person, who is not interested in manufacturing, dealing, or reducing any illuminating oils manufactured from petroleum, as state supervisor of oils, whose term of office is for three years, to commence from the 15th day of May, A. D. 1880, and until his successor is appointed and qualified; and in case of a vacancy occurring by death, resignation, or otherwise, the governor shall fill the same as provided in section twelve of the revised statutes of Ohio: provided, that the present state inspector of oils shall continue in office, and perform the duties of state supervisor of oils under this act until May 15, 1880. The supervisor, when so appointed and qualified, is empowered to appoint a suitable number of deputies, who are not interested in manufacturing, dealing, or vending any illuminating oils manufactured from petroleum, who are empowered to perform the duties of inspection, and are liable to the same penalties as the supervisor; and the supervisor may remove any of the deputies for reasonable cause, and appoint others in their place: provided, that all deputy inspectors of oils now in office shall remain and perform the duties thereof under this act until May 15, 1880. The supervisor and his deputies shall provide themselves, at their own expense, with the necessary instruments, and apparatus, and stencils, brands, and stamps for testing and marking the quality of illuminating oils, and, when called upon for that purpose, to promptly inspect all oils herein mentioned, and to reject, for illuminating purposes for consumption in this state, all oils, which by being adulterated with naphtha, benzine, paraffine, or other light oils or other substance, or for any other reason, will not stand and be equal to the test herein prescribed. The supervisor shall prepare the forms of all stencils, brands, and stamps provided for in this chapter, and also such general regulations and rules for inspection, not inconsistent with the terms and provisions of this chapter, and such rules and regulations shall be binding on all deputy supervisors in the state. The supervisor and his deputies are required to test the quality of all mineral or

Page 149  
Sec. 330.  
See  
80 O.L. 68.

Appoint-  
ment of state  
supervisor  
and deputies.

Page 149  
Sec. 395.  
Amended  
81 O.L. 140.

Their duties.



petroleum oils, or any oil, fluid, or substance which is a product of petroleum, or into which petroleum or any product of petroleum, enters, or is found as a constituent element, which is offered or intended to be offered for sale for illuminating purposes in this state; and if, upon such testing or examination, the same meets the requirements herein specified, the supervisor or his deputies shall affix, by stencil or brand, on any package, cask, or barrel containing the same, and by a stamp subscribed with his official signature the word "approved," with the date of such inspection; and it will then be lawful for any manufacturer, vender, or dealer to sell the same, to be consumed within the state, as an illuminator; but if the oil so tested does not meet such requirements, he shall mark by stencil or brand, in plain letters, on any package or barrel containing the same, and by a stamp subscribed with his official signature, the words, "rejected for illuminating purposes," giving the date of such inspection; and it is unlawful for the owner thereof to sell oil so branded as rejected, to be consumed within the state for illuminating purposes; and if any person sells or offers for sale such rejected oil, he shall be deemed guilty of a misdemeanor, and shall be subject to a penalty in any sum not less than one thousand dollars, or be imprisoned in the county jail not exceeding twenty days, or both.

Section 396. Whoever is appointed state supervisor or deputy supervisor shall, before he enters upon the discharge of the duties of his office, take an oath of office, and file the same in the office of the secretary of state. The supervisor must execute a bond to the state in the sum of twenty thousand dollars, with sureties to be approved by the secretary of state, conditioned for the faithful performance of the duties imposed upon him by law, which bond shall be for the use of all persons in any way aggrieved or injured by the acts or neglect of the supervisor, and the same shall be filed with the secretary of state. The deputy supervisors must each execute a bond to the state in the sum of five thousand dollars, with sureties to be approved by the judge of probate of the county where the deputy is located, and file the same with the clerk of the court of common pleas in the county where he resides. The supervisor or deputy supervisor is entitled to demand and receive from the owner or party calling on him, or for whom he performs the inspection, the sum of forty cents for a single barrel, package, or cask; twenty-five cents, each, when the lot does not exceed ten in number; fifteen cents, each, when the lot does not exceed twenty in number; ten cents, each, when the lot does not exceed fifty in number; and five cents, each, for all lots exceeding fifty barrels; and all fees so accruing shall be a lien on the oil so inspected. Every supervisor or deputy supervisor shall keep a true and accurate record of all oils so inspected and branded by him, which record shall state the date of the inspection, number of barrels, and the name of

Page 150  
Sec. 396.  
Amended  
81 O. L. 140.

Oath and  
bond of  
supervisor  
and deputies.

Their fees.

Record of  
inspection.

the person for whom inspected, and such record shall be open to the examination of any and all persons interested; and every deputy supervisor shall, on the first Monday of each month, make a true and accurate return to the state supervisor of all such inspections for the preceding month, giving the quantity inspected, the date of the inspection, and the name of the person for whom it is inspected; on the second Monday in January of each year, the state supervisor shall make and deliver to the governor a report of the inspections by himself and deputies during the preceding calendar year. [75 v. 564, § 3.]

Section 397. If any person for or as agent for any other person, sells, or attempts to sell, to any person in this state, any such oils to be consumed within the state for illuminating purposes, whether manufactured in the state or not, before having the same inspected as provided in this chapter, he shall be fined in any sum not less than one hundred and not exceeding three hundred dollars; and if any person falsely brands any package, cask, or barrel, as provided in section three hundred and ninety-four (394), or refills or uses any package, cask, or barrel having the supervisor's brand thereon, without having the oil therein inspected, he shall be fined in any sum not exceeding five hundred dollars, nor less than one hundred dollars, or be imprisoned in the county jail not exceeding six months, or both, at the discretion of the court. [75 v. 564, § 4.]

Section 398. Whoever knowingly uses, for illuminating purposes, any oil or product of petroleum, except such oil known as crude petroleum, before the same has been inspected and branded by the state supervisor or his deputy, as herein-after provided, shall be fined in any sum not exceeding one hundred dollars, nor less than twenty dollars. [75 v. 564 § 5.]

Section 399. Any person selling or dealing in illuminating oils, produced from petroleum, who sells or disposes of any empty barrel, cask, or package, which has been branded by the supervisor or a deputy, before thoroughly canceling, removing, and effacing the inspection brand on the same, shall be fined fifty dollars for each barrel, cask, or package thus sold or disposed of. [74 v. 564, § 6.]

Section 400. No person may adulterate with any substance whatever, for the purpose of sale, or for use for illuminating purposes, any oil obtained from petroleum, or obtained from coal, in such manner as to render it dangerous to use; nor shall any person knowingly sell or offer for sale, any oil obtained from petroleum, or from coal, or from the products of either, for illuminating purposes within this state, which, by reason of being adulterated, or for any reason whatever, will flash at a temperature less than one hundred and twenty degrees of Fahrenheit's thermometer, under the test herein prescribed; but oils not bearing the test herein prescribed may be used in street lamps for lighting streets or public wharves, ways, or alleys, and also the gas or vapor from such

Deputies to make monthly returns to supervisor.

Sale of uninspected oil.

Page 151  
Sec. 397.  
Amended  
81 O. L. 140.

Penalty for using false brands, etc.

Using uninspected oil.

Page 151  
Sec. 398.  
Amended  
81 O. L. 140.

Selling empty casks without defacing brand.

Page 151  
Sec. 399.  
Amended  
81 O. L. 140.

Penalty for adulteration of oils.

Page 151  
Sec. 400.  
Amended  
81 O. L. 140.

oils may be used for illuminating purposes when the oils from which said gas or vapor is generated are contained in reservoirs under ground outside the building illuminated or lighted by the gas; and a person violating any of the provisions of this section is guilty of a misdemeanor, and shall be punished by imprisonment in the county jail not more than one year, or by a fine not exceeding five hundred dollars, or by such fine and imprisonment, at the discretion of the court. [75 v. 564, § 7.]

Section 401. Whoever sells or keeps for sale, to be consumed in the state, any illuminating oil manufactured from petroleum or its products, and not inspected as provided in this chapter, shall be responsible to the party or parties injured for any violation of the provisions of this chapter by himself or by any clerk or person in his employ, in the sale of such oil. [75 v. 564, § 8.]

Section 402. The supervisor or any deputy supervisor who knows of the violation of any of the provisions of this chapter, shall enter complaint before any court of competent jurisdiction against any person so offending; and in case any supervisor or deputy supervisor having knowledge of the violation of the provisions of this chapter, neglects to enter complaint as required and provided for in this chapter, he shall be fined in any sum not exceeding five hundred dollars, and be removed from his position as such supervisor or deputy supervisor.

Section 403. No supervisor or deputy supervisor shall, while in office, traffic, directly or indirectly, in any article in which petroleum or other product thereof is a constituent part, which he is appointed to inspect; and in case of any violation of the provisions of this section by any supervisor or deputy supervisor, he shall be fined in any sum not exceeding five hundred dollars, and be removed from his position as such supervisor or deputy supervisor. All prosecutions under this act shall be prosecuted in the name of the state of Ohio. All questions of dispute arising between the supervisors and manufacturers or dealers shall be submitted to the professor of chemistry in the Ohio state university, at Columbus, for consideration, and his decision shall be final. [75 v. 564, § 10.]

Section 404. Whoever knowingly sells, or causes to be sold, any oil mentioned in this chapter for illuminating purposes, which is below one hundred and twenty degrees Fahrenheit, when tested as is provided in section three hundred and ninety-four, shall be liable to any person purchasing any of such oil, or to any person injured thereby, for all damages resulting from any explosion thereof; and it shall be no defense that the supervisor's brand was upon the cask, or package, or barrel from which the oil was taken.

Sec. 2. Sections 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, and 404 of the above recited act are hereby repealed.

Page 152  
Sec. 401.  
Amended  
81 O.L.140.

**Responsi-  
bility of  
parties.**

Page 152  
Sec. 402.  
Amended  
81 O.L.140.

**Supervisor to  
enter com-  
plaint for  
violations of  
foregoing  
provisions.**

Page 152  
Sec. 403.  
Amended  
81 O.L.140.

**Supervisors  
not to traffic  
in oils.**

Page 152  
Sec. 404.  
Amended  
81 O.L.140.

**Liability for  
damages.**

SEC. 3. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of Senate.*

Passed April 9, 1880.

[Senate Bill No. 190.]

AN ACT

To amend sections 3311 and 3312 of the revised statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That sections 3311 and 3312 of the revised statutes of this state be and the same are hereby so amended as to read as follows:

Section 3311. Each company shall, as soon as convenient after its organization, establish a principal or [general] office on some point on the line of its road (or on the line of any road within this state with which it connects or has running arrangements), and may change the same at pleasure, and shall give public notice of such establishment or change, in some newspaper published on its line, within this state; and the office of the president, secretary, and treasurer of the company shall be kept at such principal or general office, or at some other point on the line of the road of the company within the state, and a record kept there of all the proceedings of the company, to be open at reasonable hours to the inspection of any stockholder of the company.

Railroad companies must establish a principal office.

SEC. 2. That said original sections 3311 and 3312 be and they are hereby repealed, and this act shall take effect from and after its passage.

THOS. A. COWGILL.  
*Speaker of the House of Representatives.*  
R. G. RICHARDS.  
*President pro tem. of the Senate.*

Passed April 9, 1880.

[Senate Bill No. 9.]

AN ACT

Supplementary to the act relating to cities of the first class, having a population exceeding one hundred and fifty thousand inhabitants, passed May 4, 1869.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That it shall be lawful for the board of trustees, appointed under the act to which this is supplementary, and they are hereby authorized to borrow, as a fund for the line

Page 153  
Lower Act.  
Supplem.  
78 O.L.58.

153, Lr Act  
(3W 699, §1.)  
82 v. 143.

Trustees of Cincinnati southern railroad authorized to borrow additional sum and issue bonds therefor.

of railway for which they are trustees, in addition to the amount authorized by said original act, and the acts of February 24, 1876, and May 15, 1878, supplementary thereto, a sum not to exceed three hundred thousand dollars, and to issue bonds therefor in the name and under the corporate seal of the city owning the line of railway; said bonds shall be signed and attested in the same manner as the bonds authorized by the act to which this is supplementary, and shall be secured by a pledge of the faith of the city and a tax which shall be annually levied by the council of said city on the real and personal property returned on the grand levy, sufficient to pay the interest, and provide a sinking fund for their final redemption; and they may be made payable, both as to principal and interest, in coin or lawful money, at such times and places and in such sums as shall be deemed best by said board: provided, that none of the bonds authorized by this act shall bear a greater rate of interest than six per cent. per annum, nor be sold for less than par.

May acquire lands for terminal facilities.

SEC. 2. Said trustees may, in place of issuing the whole or any part of the bonds provided for by the first section of this act, have power to acquire, by lease, and hold lands for terminal facilities and rights of way thereto in the city owning the line of railway. The leases for the lands so acquired shall be made to and in the name and under the corporate seal of said city; they shall be signed and attested in the same manner as the bonds authorized by the act to which this act is supplementary, and the rents therein reserved shall be secured by a covenant that the council of said city will, annually, levy a tax on the real and personal property thereof returned on the grand levy, sufficient to pay the same: provided, that the aggregate amount of the rents, hereby authorized, shall not exceed eighteen thousand dollars per annum, and provided that the aggregate amount of the bonds issued, and the principal of the leases, which may be made under this act, shall not, together, exceed the sum of \$300,000.

Issue of bonds to be approved by trustees of sinking fund.

SEC. 3. Before issuing any of the bonds, or leasing any of the lands or rights of way authorized by this act, said trustees shall apply to and receive the approval of a majority of the trustees of the sinking fund of said city to such issue of bonds and to every such lease, and all the leases of lands shall contain a provision securing to said city the right to purchase or appropriate the fee simple of said lands upon the payment of the principal sum to be fixed therein.

Duty of trustees of sinking fund as to rents hereby authorized, etc.

SEC. 4. It shall be the duty of the trustees of the sinking fund of said city to annually certify, at the time and in the manner required by law for certifying other taxes, the rate of tax necessary to provide for the payment of the rents hereby and heretofore authorized for bonds and rights of way of said railway; and the council of said city shall place the full amount so certified in the tax ordinance with the other

amounts certified by said trustees of the sinking fund, and with the same preference. The rate of tax so certified for said rents shall be in addition to the aggregate of taxes otherwise allowable in said city.

SEC. 5. It shall be lawful for the trustees appointed under the act to which this act is supplementary, and they are hereby authorized, with the approval of a majority of the trustees of the sinking fund of said city, whenever any controversy heretofore has arisen, or shall hereafter arise, in respect to the amount due or claimed to be due, to any contractor, employe, or other person engaged in the construction of said railroad, to compromise and adjust, upon such terms as may seem to them equitable and just, such claim or controversy.

Trustees may  
compromise  
disputed  
claims.

SEC. 6. This act shall take effect from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of Senate.*

Passed April 9, 1880.

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[Senate Bill No. 203.]

#### AN ACT

To authorize certain incorporated villages to construct machine shops and to issue bonds therefor.

[BUCYRUS.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of any incorporated village, which by the federal census of 1870 had, and which by any subsequent federal census may have, a population of three thousand and sixty-six is hereby authorized to contract for and construct machine shops, and purchase real estate therefor, and for that purpose to issue bonds to the amount of fifty thousand dollars in such denominations, and payable at such times as the village council shall, by resolution, determine. Such bonds shall be signed by the mayor, countersigned by the clerk, and attested by the corporate seal of such village, and shall bear interest at the rate of six per cent. per annum, payable semi-annually from the date thereof.

SEC. 2. That any such village may negotiate such bonds for cash, or it may deliver the same in payment for such real estate, or for the construction of machine shops, but in no case shall such bonds be disposed of at less than the par value thereof, and no contract shall be awarded until the contractor shall enter into bonds to such village in double the amount of such contract, conditioned that such con-

tractor shall fully perform all the obligations imposed upon him by such contract.

SEC. 3. That said village council is hereby authorized to lease said shops with or without the grounds upon which the same may be built, for such terms and on such conditions and reservations as may by it be determined by resolution; or such village council may sell and convey said shops with or without the ground upon which the same are built, or contracted to be built, for such considerations and upon such terms, conditions, and reservations as may by it be determined by resolution.

SEC. 4. That the powers herein conferred shall in no case be exercised by any such village council until thereto authorized by a vote of the qualified electors of such village, taken at a general or special election held therein; that for the purpose of submitting such proposition to a vote of such electors, the clerk of such village, upon the passage of a resolution by such village council, for that purpose, shall give notice of the time of holding such election, which shall be published in all the newspapers published in such village, whether English or German, at least ten days prior to the day of holding such election. Such election shall be held at the usual place or places of holding elections, and by the officers authorized to preside at elections in such village. The poll-books and tally-sheets of such elections shall be forthwith returned to the clerk of such village, who, with the mayor of said village, shall at any regular or special meeting of the village council, and in the presence of a quorum of such council proceed to canvass such vote, and the village clerk shall enter the number of votes cast for such proposition, and the number of votes against such proposition in such village, and if it shall appear by the returns of such election that two-thirds of all the electors voting at such election shall have voted in favor of such proposition, such village council shall be authorized to exercise the powers conferred by this act; and if two-thirds of such electors shall not have voted in favor of such proposition, such village council shall not exercise the powers conferred by this act. The ballots voted at such election shall have written or printed thereon the words, "Machineshops—yes;" "Machine shops—no."

SEC. 5. That the resolution of such village council herein provided for shall forthwith be entered by the village clerk upon the ordinance book of such village, and shall take effect upon the passage thereof without publication, any provisions of the law to the contrary notwithstanding.

SEC. 6. That all contracts or conveyances authorized by this act shall, upon the part of such village, be signed by the mayor, countersigned by the clerk, and attested by the seal of such village; and the village council is hereby authorized to levy such tax upon the taxable property of such

village, each year thereafter, as may be necessary to pay the interest on such bonds as the same may become due, and to provide a sinking fund to pay the principal of such bonds at maturity.

SEC. 7. That this act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 9, 1880.

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[Senate Bill No. 181.]

AN ACT

To authorize certain townships to build railroads, and to lease or operate the same.

[PLEASANT TOWNSHIP, VAN WERT COUNTY.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio.* That whenever in any township, which by the federal census of 1870 had, and which by any subsequent federal census may have, a population of thirty-six hundred and eighty-three, the township trustees thereof shall, on the petition of not less than one hundred resident tax-payers of such township, pass a resolution declaring it to be essential to the interest of such township that a line of railway shall be constructed on the line to be designated in said petition, and said railway shall be named in said resolution, and the termini thereof shall be designated therein, and not to exceed seven miles in length. It shall be lawful for a board of trustees appointed as herein provided, and they are hereby authorized to borrow as a fund for that purpose, not to exceed the sum of forty thousand dollars, and to issue bonds therefor, in the name of said township, bearing interest at a rate not exceeding six per centum per annum, payable semi-annually. Said bonds to be payable at such time and places, and in such sums as shall be deemed best by said board. Said bonds shall be signed and sealed by the president of said board, and attested by the clerk of such township, who shall keep a register of the same, and they shall be secured by the pledge of the faith of such township, and a tax which it shall be the duty of the trustees thereof, annually, to levy (which tax shall not exceed three mills on the dollar in any one year), to pay the interest and provide a sinking fund for final redemption of said bonds: and provided, that no money shall be borrowed or bonds issued until after the question of providing the line of railway specified in said resolution shall be submitted to a vote of the qualified electors of such township, at a special election to be ordered by the



township trustees thereof, of which not less than twenty days' notice shall be given by posting up notices at not less than five of the most public places in each of the villages in such township, and by publishing, for three successive weeks, such notice in all the newspapers printed and of general circulation in such township: further provided, three-fifths of said electors, voting at such election, shall decide in favor of such line of railway. The returns of said election shall be made to the clerk of said township, and by him laid before the township trustees, who shall declare the result by resolution. The bonds issued under the authority of this section shall not be sold or disposed of for less than their par value.

SEC. 2. If three-fifths of the votes cast at said election shall be in favor of the construction of the line of railway, as specified in the first section, it shall be the duty of the township trustees to nominate five trustees, who shall be electors and freeholders of said township, to be called the trustees of — railway (the blank to be filled with the name of the railway as given in the aforesaid resolution), and the same nominations shall be forthwith presented to the judge of the court of common pleas presiding in said county for his approval or rejection, and in case of his rejecting any of the persons named, then other nominations shall be made in like manner until said board is filled, and when said board shall be full, then the said judge shall make an order entering such appointment and approval on the minutes of the court of which he is judge. The said judge shall also designate the amount of bond to be given by said trustees, each bond to be several, and shall be conditioned for the faithful performance of their duties as such trustees, which said bond shall be signed by not less than three sureties, and be approved by the clerk of said court, and shall be signed in duplicate, one copy to be filed with the clerk of said court and the other with the treasurer of said township. And before entering upon the discharge of their duties, said trustees shall each take an oath of office, and that they will faithfully and honestly discharge their duties as such trustees.

SEC. 3. The said board of trustees and their successors shall be the trustees of said fund, and shall have the control and disbursement of the same. They shall expend said fund in procuring the right to construct, and in constructing a railway, with all the proper appendages, and, if deemed necessary, a line of telegraph between the termini specified in said resolution, and for the purpose aforesaid, shall have the power and capacity to make contracts, appoint, employ, and pay officers and agents, and to acquire, hold, and possess all the necessary real and personal property and franchises. They shall also have power to receive donations of land, money, bonds, and other personal property, and to dispose of the same in aid of said fund. The said trustees shall have the right to bring, maintain, and defend all actions, and to sue and be sued, plead and be impleaded, touching the said trust

and trust property in their own names as such trustees, in any of the courts of this state or elsewhere; they shall elect a treasurer, whose duty it shall be to draw from the treasurer of the county all of said trust funds upon the order of the said trustees, and the said treasurer shall give bond in such sum as said trustees shall designate, which bond shall be signed by at least three sureties, and shall be approved by at least four-fifths of said trustees.

SEC. 4. The said trustees shall form a board, and shall choose one of their number president, who shall also be the acting trustee, with such powers as the board may, by resolution, from time to time, confer upon him. A majority of said trustees shall constitute a quorum, and shall hold regular meetings for the transaction of business, at their regular office in the township under whose action they are appointed, but they may adjourn, from time to time, to meet at any place they may think proper. They shall keep a record of their proceedings, and cause to be kept a full and accurate account of their disbursements, and make a report of the same to the township clerk, whenever requested so to do by a resolution of the township trustees. No money shall be drawn from said fund but upon the order of said board, except their own compensation, which shall be paid out of the same upon the recommendation of the township trustees, by resolution, duly adopted and allowed by the court appointing them.

SEC. 5. Said trustees shall have power to take such security from any officer, agent, or contractor chosen, or appointed, or employed by them as they shall deem advisable. They shall not become surety for any such officer, agent, or contractor, or be interested, directly or indirectly, in any contract concerning said railway. They shall be responsible only for their own acts.

SEC. 6. Whenever the township trustees, or any one of them, of any township under whose action a board of trustees has been appointed, as herein provided, shall have reason to believe that any one or more of said trustees has failed in the faithful performance of his trust, it shall be the duty of such township trustees to apply to the judge of the court of common pleas, by petition, alleging such misconduct, and praying that they be removed, and that such vacancies be ordered to be filled in the manner hereinbefore provided for, and if the said township trustees shall fail, upon the written request of not less than five resident tax-payers, or upon the request of any of the bond holders of said township bonds, then, and in that case, such tax-payers or bondholders may file such petition, for like relief, in the court of common pleas of said county; and if the court, upon hearing said petition, shall adjudge in favor of such plaintiffs, it shall remove such trustee or trustees, and any vacancy from this, or by resignation, death, or removal, shall be filled in the manner heretofore provided for.

SEC. 7. Whenever, in the construction of a line of railway, as herein provided, it shall be necessary to appropriate land for the foundation of the abutments or pier of any bridge across any stream, or for any other purpose, or to appropriate any rights or franchises, proceedings shall be commenced and conducted in accordance with the laws in force at the time for the appropriation of such private property for the use of corporations, except that the oath and verdict of the jury and judgment of the court shall be varied to suit the case.

SEC. 8. Whenever there shall be, between the termini designated in any resolution passed under this act, a railroad partially already constructed, or rights of way acquired therefor, which can be adopted as parts of the line provided for in said resolution, the trustees of said line may purchase or lease the said railroad, or right of way, and pay for the same out of the trust fund.

SEC. 9. Whenever, in the construction of a line of railway, as herein provided, the said board of trustees shall find it necessary to use or occupy any street, alley, or other public way, space, or ground, or any part thereof of any incorporated village, proceedings shall be commenced and conducted in accordance with the laws in force at the time for the appropriation of such rights or easements by railway corporations, except that the oath and verdict of the jury and the judgment of the court shall be so varied as to suit the case.

SEC. 10. On the final completion of any line of railway, constructed under the provisions of this act, the board of trustees shall have power to lease the same to any person or persons, or company, as will conform to the terms and conditions which shall be fixed and provided by the trustees of the township by which the line of railway is owned.

SEC. 11. Deeds and contracts may be made, and proceedings for appropriations and actions may be commenced, either in the name of such township providing the line of railway, or in the name of the trustees of ——— railway (filling the blank with the name given to the railway in the resolution), and said proceedings may be commenced and conducted, either in the court of common pleas or probate court, as in case of appropriation for the use of municipal corporations.

SEC. 12. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 9, 1880.

[Senate Bill No. 195]

## AN ACT

To amend section 4763 of the revised statutes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 4763 of the revised statutes be so amended as to read as follows :

Section 4763. The commissioners shall not levy any general tax, nor appropriate any money, except so far as may be necessary to pay the expense of preliminary surveys already commenced, or any other liabilities already incurred, to be expended in the construction of such turnpikes, without first submitting to the qualified voters of the county the question as to the policy of constructing such roads by general tax, which submission shall be made at any annual spring or fall election; and the commissioners shall cause public notice of such vote to be given by publication in all the newspapers printed and of general circulation in the county, and also by causing hand bills to be posted up, at the usual place of holding elections, in each township and ward throughout the county, at least fifteen days prior to such election: provided, that in any county in which such question has heretofore been submitted, under the authority of an act entitled "an act to authorize county commissioners to locate and construct turnpike roads," passed April 30, 1863, and acts amendatory thereto, and in which, at such election, the majority of the votes cast were in favor of such policy, no vote shall be again required to authorize the commissioners to continue such tax and improve roads as provided for in this chapter.

Question of  
general tax  
for turnpikes  
must be sub-  
mitted to  
electors.

SEC. 2. Said original section four thousand seven hundred and sixty-three is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,

*Speaker of the House of Representatives.*

B. G. RICHARDS,

*President pro tem. of the Senate.*

Passed April 9, 1880.

[Senate Bill No. 96.]

## AN ACT

To amend sections 7389, 7390, 7392, 7393, 7399, 7401, of the revised statutes of Ohio, relative to the government and management of the Ohio penitentiary.

SECTION 1 *Be it enacted by the General Assembly of the State of Ohio*, That sections seven thousand three hundred and eighty-nine (7389), seven thousand three hundred and ninety (7390), seven thousand three hundred and ninety-two (7392), seven thousand three hundred and ninety-three

(7393) seven thousand three hundred and ninety nine (7399), and seven thousand four hundred and one (7401) of the revised statutes be amended to read respectively as follows:

Section 738. The government and management of the Ohio penitentiary shall be vested in a board of five directors, appointed by the governor, by and with the advice and consent of the senate, within ten days after the passage of this act, one of whom shall hold his office until the first day of April, 1881, two until the first day of April, 1882, and two until the first day of April, 1883, and until their successors are appointed and qualified; and each director, before he enters upon the duties of his office, shall take and subscribe an oath or affirmation of office, which shall be indorsed on his commission.

Section 739. Directors shall be appointed by the governor by and with the advice and consent of the senate, in the month of March, each year hereafter, as the terms of office of those provided for in the preceding section and their successors expire, for the period of three years each from the first day of April next after their appointment and until their successors are appointed and qualified, and so as to make the number of such directors conform to that provided for in the preceding section, any one of which directors so appointed may be removed by the governor at his pleasure. A vacancy in the office of director for other cause than the expiration of the term shall be filled by appointment by the governor for the unexpired term, subject to the approval of the senate, if in session, and if not in session, subject to its approval at its first session thereafter.

Section 739.2. The board of directors, within ten days from their appointment, shall meet in the city of Columbus, and elect one of their number president of the board, to serve until the regular meeting in May thereafter, and shall appoint a warden, who shall hold his office for the term of three years from the first day of April after his appointment, unless sooner removed by the directors as provided in section seventy-four hundred and thirteen; also a steward, a physician, a chaplain, and a clerk, who shall hold their offices for two years, unless sooner removed, as provided in section seventy four hundred and thirteen.

Section 739.3. The directors shall meet at the penitentiary on the first Tuesday of February, May, August, and November, and examine the books and accounts of the clerk and steward; at least three of the directors shall visit the prison in company, on the first Tuesday of each month, and examine all the different departments, and examine all the claims against it; and an inspection of the prison shall be made at least once in each month, between the monthly meetings, by a director, on the order of the board.

Page 162  
Sec. 7389.  
Repealed  
81 O.L.72,77.

**Government  
vested in  
board of five  
directors ap-  
pointed by  
governor.**

Page 162  
Sec. 7390.  
Repealed  
81 O.L.72,77.

**Vacancies in  
board, how  
filled.**

Page 162  
Sec. 7392.  
Repealed  
81 O.L.72,77.

**Organiza-  
tion of board  
and appoint-  
ment of  
warden,  
steward, etc.**

Page 162  
Sec. 7393.  
Repealed  
81 O.L.72,77.

**Regular  
meetings of  
board, exam-  
ination of ac-  
counts, in-  
spections,  
etc.**

## WARDEN.

Section 7399. The warden shall reside in the penitentiary, in apartments to be assigned to him by the directors, and furnished at the expense of the state in a plain and substantial manner, and in the same manner shall be furnished the necessary fuel and provisions for himself and family under the direction and supervision of the directors; and it shall be his duty:

First—To carefully supervise the government, discipline, and police of the prison.

Second—To give all necessary directions to the inferior officers and guards, and secure a careful and diligent discharge of their several duties.

Third—To examine daily into the state of the prison, and the health, condition, and safety of the convicts.

Fourth—To report to the directors, at each quarterly meeting, the number of guards employed, their names and duties, and such other matters as may be required.

Fifth—And generally to have charge of all the departments of the prison and its officers. [73 v. 35, § 6]

Section 7401. The warden shall, by and with the consent of the board, appoint a deputy warden, assistant deputy warden, and when the business requires it an assistant clerk, superintendents of the yard, kitchen, state shops, and hospital, a captain of the night-watch, and, subject to the right of the board, at any time, to order the number increased or diminished, as many guards as may be necessary, one from each county in the state, upon satisfactory application until the proper number shall have been appointed, who shall hold their offices for the term of two years, unless sooner removed, as provided in section seventy four hundred and thirteen.

SEC. 2. That said original sections 7381, 7390, 7392, 7393, 7399, 7401 are hereby repealed; and this act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*

R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 9, 1880.

[House Bill No. 422]

## AN ACT

Supplementary to section 1230 of the revised statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That in all counties in which there is a city of the second grade of the first class, the fees of the sheriff, upon all land sales other than sales under execution, shall not

*Page 163*  
Sec. 7399.  
Repealed  
81 O.L. 72, 77.

Duties of  
warden.

Warden to  
appoint dep-  
uty and  
other offi-  
cers.

*Page 163*  
Sec. 7401.  
Repealed  
81 O.L. 72, 77.

Fees of sher-  
iff of Cuy-  
ahoga  
county in  
land sales.

exceed forty per cent. of that now provided by law, and in no case shall the fees for any one sale exceed five hundred dollars.

Master commissioner not to make sales of land except when bond of sheriff is insufficient.

SEC. 2. That in all such counties, no master commissioner shall have power to make any sale of real estate hereafter ordered, except when the bond of the sheriff shall be deemed insufficient to afford proper security, in which case the court may order the sheriff to give an additional bond, in such sum as the court may direct, with sureties to be approved by the court, and in default thereof may order such sale to be made by a master commissioner, who shall give such bond as the court may order.

SEC. 3. That this act shall be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 10, 1880.

[Senate Bill No. 196.]

#### AN ACT

To authorize narrow-gauge railroad companies, having a road partially constructed, to issue bonds for raising money to finish its construction, and to fund its outstanding indebtedness and to purchase rolling-stock.

Narrow-gauge railroad authorized to issue second mortgage bonds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That any railroad company having a gauge not exceeding three feet, known as a narrow-gauge road, heretofore or that may be hereafter incorporated under the laws of this state, and having at least fifty miles of completed road, and not exceeding six thousand dollars per mile of first mortgage bonds issued for each mile of completed road, for the purpose of funding its floating debt, or for the completion of its unfinished proposed line of road, or for the purchase of rolling stock, or for the erection of repair shops, or for the purchase of supplies necessary for the operation of said road, or for any or all of said purposes, shall be and the same is hereby authorized to issue its second mortgage bonds, bearing a rate of interest not exceeding seven per cent. per annum, secured by a second mortgage upon its entire property, real and personal, and its franchise, for any amount not exceeding two-thirds of the amount of its authorized capital stock, and sell the same at such time and places, within or without the state, and at such rate as the directors of said railway company may deem for its best interest: provided said issue of bonds and mortgage shall be authorized by a vote, either in person or by proxy, of the majority of the holders of said

up stock; and provided, that previous to taking said vote thirty days' notice shall be given to the stockholders of said railway company, by publication in a newspaper of general circulation in each and every county through which the line of road is operated.

SEC. 2. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem of the Senate.*

Passed April 10, 1880.

[Senate Bill No. 187.]

# AN ACT

To authorize certain townships to build railroads, and to lease or operate the same.

## [DUBLIN TOWNSHIP, MERCER COUNTY]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That whenever in any township, which by the federal census of 1870 had, and which by any subsequent federal census may have, a population of one thousand five hundred and ninety nine, the township trustees thereof shall, on the petition of fifty resident tax-payers of such township, pass a resolution declaring it to be essential to the interests of such township that a line of railway shall be constructed on the line to be designated in said petition, and said railway shall be named in said resolution, and the termini thereof shall be designated therein, and not to exceed seven miles in length, it shall be lawful for a board of trustees appointed as herein provided, and they are hereby authorized to borrow as a fund for that purpose not to exceed the sum of twenty thousand dollars, and to issue bonds therefor, in the name of said township, bearing interest at a rate not exceeding six per centum per annum, payable semi annually. Said bonds to be payable at such times and places, and in such sums as shall be deemed best by said board. Said bonds shall be signed and sealed by the president of said board, and attested by the clerk of such township, who shall keep a register of the same, and they shall be secured by the pledge of the faith of such township, and a tax which it shall be the duty of the trustees thereof, annually, to levy (which tax shall not exceed three mills on the dollar in any one year), to pay the interest and provide a sinking fund for the final redemption of said bonds; and provided, that no money shall be borrowed on bonds issued until after the question of providing the line of railway specified in said resolution shall be submitted to a vote



of the qualified electors of such township, at a special election to be ordered by the township trustees thereof, of which not less than twenty days' notice shall be given by posting up notices at not less than five of the most public places in each of the villages of such township, and by publishing for three successive weeks such notice in a newspaper printed in the county wherein such township is located, and of general circulation in such township; further provided a majority of said electors, voting at such election shall decide in favor of such line of railway. The returns of said election shall be made to the clerk of said township, and by him laid before the township trustees, who shall decide the result by resolution. The bonds issued under the authority of this section shall not be sold or disposed of for less than their par value.

SEC. 2. If a majority of votes cast at said election shall be in favor of the construction of the line of railway, as specified in the first section, it shall be the duty of the township trustees to nominate five trustees, who shall be electors and freeholders of said township, to be called the trustees of \_\_\_\_\_ railway (the blank to be filled with the name of the railway designated in said resolution), and the said nominations shall be forthwith presented to the judge of the court of common pleas in said county, for his approval or rejection, and in case of his rejecting any of the persons named, then other nominations shall be made in like manner until said board is filled; and when said board shall be filled, said judge shall order an entry to be made thereof on the minutes of said court of the approval thereof. He shall also designate the amount of bond to be given by the said trustees, each bond to be several, and shall be conditioned for the faithful performance of their duties as such trustees, which said bond shall be signed by not less than three sureties, and be approved by the clerk of said court, and shall be signed in duplicate, one copy to be filed with the clerk of said court, and the other with the treasurer of said township, and before entering upon the discharge of their duties they shall each take an oath of office, that they will faithfully and honestly discharge their duties as such trustees.

SEC. 3. The said board of trustees and their successors shall be the trustees of said fund, and shall have the control and disbursement of the same. They shall expend said fund in procuring the right to construct, and in constructing a railway, with all the proper appendages, and, if deemed necessary, a line of telegraph between the termini specified in said resolution, and, for the purpose aforesaid, shall have the power and capacity to make contracts, appoint, employ, and pay officers and agents, and to acquire, hold, and possess all the necessary real and personal property and franchises. They shall also have power to receive donations of land, money, bonds, and other personal property, and to dispose of the same in aid of said fund. The said trustees shall have the right to bring, maintain, and defend all actions, and to

sue and be sued, plead and be impleaded, in their own names as such trustees, in any of the courts of this state or elsewhere; they shall elect a treasurer, whose duty it shall be to draw from the treasurer of the county all or any of said trust funds, upon the order of the said trustees and the said treasurer shall give bond in such sum as the trustees shall designate, which bond shall be signed by at least three sureties, and be approved by a majority of said trustees.

SEC. 4. The said trustees shall form a board, and shall choose one of their number president, who shall also be the acting trustee, with such powers as the board may, by resolution, from time to time, confer upon him. A majority of said trustees shall constitute a quorum, and shall hold regular meetings for the transaction of business, at their regular office in the township under whose action they are appointed, but they may adjourn from time to time, to meet at any place they may think proper. They shall keep a record of their proceedings, and cause to be kept a full and accurate account of their disbursements, and make a report of the same to the township clerk, whenever requested to do so by a resolution of the township trustees. No money shall be drawn from said fund but upon the order of said board, except their own compensation, which shall be paid out of the same upon the recommendation of the township trustees, by resolution duly adopted, and allowed by the court appointing them.

SEC. 5. Said trustees shall have power to take such security from any officer, agent, or contractor chosen, or appointed, or employed by them, as they shall deem advisable. They shall not become surety for any such officer, agent, or contractor, or be interested directly or indirectly, in any contract concerning said railway. They shall be responsible only for their own acts.

SEC. 6. Whenever the township trustees, or any one of them, of any township under whose action a board of trustees has been appointed, as herein provided, shall have reason to believe that any one or more of said trustees has failed in the faithful performance of his trust, it shall be the duty of such township trustees to apply to the judge of the court of common pleas, by petition, alleging such misconduct, and praying for his or their removal, and upon such removal the vacancy shall be ordered filled in the manner hereinbefore provided for; if the said township trustees shall fail to perform said duties, then upon the written request of not less than five resident tax-payers, or upon the request of any of the bondholders of said township bonds, then, and in that case, such tax-payers or bondholders may file such petition for like relief, in the court of common pleas of said county, and if the court, upon hearing said petition, shall adjudge in favor of the petitioner, it shall remove such trustee or trustees, and any vacancy from this or any other cause shall be filled in the manner hereinbefore provided for.

SEC. 7. Whenever, in the construction of a line of railway, as herein provided, it shall be necessary to appropriate land for the foundation of the abutments or pier of any bridge across any stream, or for any other purpose, or to appropriate any rights or franchises, proceedings shall be commenced and conducted in accordance with the laws in force at the time for the appropriation of such private property for the use of corporations, except that the oath and verdict of the jury and judgment of the court shall be varied to suit the case.

SEC. 8. Whenever there shall be, between the termini designated in any resolution passed under this act, a railroad already partially constructed, or rights of way acquired therefor, which can be adopted as parts of the line provided for in said resolution, the trustees of said line may purchase or lease the said railroad, or right of way, and pay for the same out of the trust fund.

SEC. 9. Whenever, in the construction of a line of railway, as herein provided, the said board of trustees shall find it necessary to use or occupy any street, alley, or other public way, space, or ground, or any part thereof of any incorporated village, proceedings shall be commenced and conducted in accordance with the laws in force at the time for the appropriation of such rights or easements by railway corporations, except that the oath and verdict of the jury and the judgment of the court shall be so varied as to suit the case.

SEC. 10. On the final completion of any line of railway, constructed under the provisions of this act, the board of trustees shall have power to lease the same to any person or persons, or company, as will conform to the terms and conditions which shall be fixed and provided by the trustees of the township by which the line of railway is owned.

SEC. 11. Deeds and contracts may be made, and proceedings for appropriations and actions may be commenced, either in the name of such township providing the line of railway, or in the name of the trustees of ——— railway (filling the blank with the name given the railway in the resolution), and said proceedings may be commenced and conducted either in the court of common pleas or probate court, as in cases of appropriation for the use of municipal corporations.

SEC. 12. This act shall take effect and be in force from and after its passage.

JOHN A. WILLIAMSON,  
*Speaker pro tem. of the House of Representatives.*  
 R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 10, 1880.

## AN ACT

To amend sections 313, 314, 662, and 663 of the revised statutes.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Ohio,* That sections three hundred and thirteen, three hundred and fourteen, six hundred and sixty-two, and six hundred and sixty-three of the revised statutes of Ohio be so amended as to read as follows:

**Section 313.** He shall have charge of the book-binding establishment at the institution for the education of the deaf and dumb, and, subject to the approval of the superintendent of that institution, the employment of one of that art therein, practicably skilled in the art, and competent and fitted to teach the inmates in that art, selecting for this purpose, if practicable, an educated mute, or person having a knowledge of the sign language. The compensation of such teacher shall be fixed by the superintendent and supervisor, not exceeding the maximum authorized by law.

**Section 314.** He shall provide the materials, implements, machinery, and fixtures necessary for the binding department, and have control of the same; superintend the arrangement thereof, subject, however, to the concurrence of the trustees as to the space occupied; and he shall have the exclusive direction and management of the practical operation thereof in binding as a branch of the public service; but he shall so manage the business as to afford access and all proper facilities to the teachers in the discharge of their duties; and he shall keep detailed accounts of all materials, machinery, tools, and fixtures by him purchased, and the cost thereof, and of all work done, and materials consumed therefor; and also cause to be made bills in duplicate of all items of the property so purchased, one of which he shall file and keep, and the other he shall certify as a voucher in behalf of the party from whom such purchase was made.

**Section 662.** The book-binding shall be under the supervision of the superintendent of public printing; and the superintendent shall assign from among the pupils, male and female, such number, from time to time, as seems proper, and organize them into classes, and assign to each class such portions of each day as will best harmonize with their ordinary studies, and at the same time give sufficient opportunity to the teachers of binding to attend to their instruction; and the superintendent and teachers shall meet and consult monthly, and make such change in the classes or order of instruction, and adopt such rules in regard thereto, as experience suggests, subject, however, to the approval of the trustees; and the printing shall be under the supervision of the superintendent, who shall in like manner assign pupils and arrange them into classes, as provided for in regard to the art of teaching book binding.

Supervisor of printing to have charge of book-binding at establishment at deaf and dumb asylum.

Shall provide and have control of binding material, machinery, etc.

To keep accounts.

To make and file bills of all purchases.

Binding to be under direction of supervisor of printing.

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What binding shall be done.

Supervisor to render monthly account of moneys received.

Section 663 The book binding for the state shall be done, as far as practicable, at this institution and the supervisor of public printing shall have reference to this object in the organization of the business and preparation for work. When the book-binding is let to others the supervisor may arrange with the contractors to do any part of the work, in addition to the work for the state then let, that can be done at the institution on proper terms. If fair rates can not be had from such contractors to employ the pupils engaged in this department, the supervisor may contract for and perform other binding. The supervisor shall, monthly, render an account to the auditor of state of all moneys earned by this department, and pay into the state treasury all moneys received for such work. He shall, in his annual report, state particularly the capacity of the department with reference to the work required by the state.

SEC. 2. That sections 313, 314, 662, and 663 be and the same are hereby repealed.

SEC. 3. This act shall take effect from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 9, 1880.

[Senate Bill No. 186.]

#### AN ACT

To authorize certain townships to build railroads, and to lease or operate them.

#### [PAUIDING TOWNSHIP, PAUIDING COUNTY]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That whenever in any township, which by the federal census of 1870 had, and which by any subsequent federal census may have, a population of four hundred and forty eight (448), the township trustees thereof shall, on the petition or not less than twenty five (25) resident tax-payers of such township, pass a resolution declaring it to be essential to the interests of such township that a line of railway shall constructed on the line to be designated in said petition, and said railway shall be named in said resolution, and the termini thereof shall be designated therein, and not to exceed six miles in length. It shall be lawful for a board of trustees appointed as herein provided, and they are hereby authorized to borrow, as a fund for that purpose, a sum of twelve thousand dollars, and to issue bonds therefor in the name of said township, bearing interest at a rate not exceeding seven per centum per annum, payable semi-annu-

ally; said bonds to be payable at such time and place, and in such sums as shall seem best by said board. Said bonds shall be signed and sealed by the president of said board, and attested by the clerk of said township who shall keep a register of the same, and they shall be secured by the pledge of the faith of such township, and a tax which it shall be the duty of the trustees thereof annually to levy (which tax shall not exceed five mills on the dollar in any one year), to pay the interest and provide a sinking fund for the final redemption of said bonds: and, provided, that no money shall be borrowed or bonds issued until after the question of providing the line of railway specified in said resolution shall be submitted to a vote of the qualified electors of such township, at a special election to be ordered by the township trustees thereof, of which not less than twenty days' notice shall be given, by posting up notices at not less than five of the most public places in such township, and by publishing for three successive weeks such notice in a newspaper, printed in the county wherein such township is located, and of general circulation in such township: further provided, a majority of said electors voting at such election shall decide in favor of such line of railway. The returns of said election shall be made to the clerk of said township, and by him laid before the township trustees, who shall declare the result by resolution. The bonds issued under the authority of this section shall not be sold or disposed of for less than their par value.

SEC. 2. If the majority of the votes cast at said election shall be in favor of the construction of the line of railway, as specified in the first section, it shall be the duty of the township trustees to nominate five trustees, who shall be electors and freeholders of said township, to be called the trustees of ——— railway (the blank to be filled by the name of the railroad as given in the aforesaid resolution), and the said nominations shall be forthwith presented to the judge of the court of common pleas presiding in said county, for his approval or rejection, and in case of his rejecting any of the persons named, then other nominations shall be made in like manner until said board is filled; and when the said board shall be full, the said judge shall make an order endorsing such appointment on the minutes of the court of which he is judge; he shall, also, designate the amount of bonds to be given by the trustees, each bond to be several, and conditioned for the faithful performance of his duties as such trustee. Said bonds shall be signed by not less than three sureties, and be approved by the clerk of said court, and shall be signed in duplicate, one copy to be filed with the clerk of said court, and the other with the treasurer of said township. Said trustees, before entering upon the discharge of their duties shall each take an oath of office that they will faithfully and honestly discharge the duties of their office.

SEC. 3. The said board of trustees and their successors shall be the trustees of said fund, and shall have the control and disbursement of the same. They shall expend said fund in procuring the right to construct, and in constructing and equipping a railway with all the proper appendages, and, if deemed necessary, a line of telegraph between the termini specified in said resolution, and for the purpose aforesaid shall have the power and capacity to make contracts, appoint, employ, and pay officers and agents, and to acquire, hold, and possess all the necessary real and personal property and franchises. They shall also have power to receive donations of land, money, bonds, and other personal property, and to dispose of the same in aid of said fund. The said trustees shall have right to bring, maintain, and defend all actions, and to sue and be sued, plead and be impleaded, touching the said trust and trust property in their own names as such trustees, in any of the courts of this state or elsewhere; they shall elect a treasurer, whose duty it shall be to draw from the treasurer of the county all of said trust funds, upon the order of said trustees; and the said treasurer shall give bond in such sum as said trustees shall designate, which bond shall be signed by at least three sureties, and shall be approved by at least four-fifths of said trustees.

SEC. 4. The said trustees shall form a board, and shall choose one of their number president, who shall also be acting trustee, with such powers as the board may, from time to time, by resolution, confer upon him. A majority of said trustees shall constitute a quorum, and shall hold regular meetings for the transaction of business, at their regular office in the township under whose action they were appointed; but they may adjourn, from time to time, to meet at any place they may think proper. They shall keep a record of their proceedings, and cause to be kept a full and accurate account of their disbursements, and make a report of the same to the township clerk whenever requested to do so by a resolution of the township trustees. No money shall be drawn from said fund but upon the order of said board, except their own compensation, which shall be paid out of the same upon the recommendation of the township trustees, by resolution duly adopted, and allowed by the court appointing them.

SEC. 5. Said trustees shall have power to take such security from any officer, agent, or contractor chosen or appointed or employed by them, as they shall deem advisable. They shall not become surety for any such officer, agent, or contractor, or be interested, directly or indirectly, in any contract concerning said railway. They shall be responsible only for their own acts.

SEC. 6. Whenever the township trustees, or any one of them, of any township under whose action a board of trustees has been appointed as herein provided, shall have rea-

son to believe that any one or more of said trustees has failed in the faithful performance of his trust, it shall be the duty of such township trustees to apply to the then judge of the court of common pleas by petition, alleging such misconduct, and praying that he or they be removed, and that such vacancies be ordered to be filled in the manner heretofore provided for; and if the said township trustees shall fail, upon the written request of not less than five resident tax-payers, or upon the request of any of the bondholders of said township bonds, then and in that case such tax-payers or bondholders may file such petition for like relief in the court of common pleas of said county, and if the court, upon hearing said petition, shall adjudge in favor of said plaintiffs, it shall remove such trustee or trustees, and any vacancy from this, or by resignation, death, or removal, shall be filled in the manner hereinbefore provided for.

SEC. 7. Whenever, in the construction of a line of railway as herein provided, it shall be necessary to appropriate lands for the foundation of the abutments or pier of any bridge across any stream, or for any other purpose, or to appropriate any rights or franchises, proceedings shall be commenced and conducted in accordance with the laws in force at the time for the appropriation of such private property for the use of corporations, except that the oath and verdict of the jury, and judgment of the court, shall be varied to suit the case.

SEC. 8. Whenever there shall be, between the termini designated in any resolution passed under this act, a railroad already partially constructed, or right of way acquired therefor, which can be adopted as parts of the line provided for in said resolution, the trustees of said line may purchase or lease the said railroad or right of way, and pay for the same out of the trust fund.

SEC. 9. Whenever, in the construction of a line of railway as herein provided, the said board of trustees shall find it necessary to use or occupy any street, alley, or other public way, space, or ground, or any part thereof, of any incorporated village in said township, proceedings shall be commenced and conducted in accordance with the laws in force at the time for the appropriation of such rights or easements by street railway corporations, except that the oath and verdict of the jury, and judgment of the court, shall be so varied as to suit the case.

SEC. 10. On the final completion of any line of railway, constructed under the provisions of this act, the board of trustees shall have power to lease the same to any person or persons, or company, as will conform to the terms and conditions which shall be fixed and provided by the trustees of the township by which the line of railway is owned.

SEC. 11. That the trustees of any township described in this act may, after the trustees have been appointed as provided in this act, advance to said trustees, out of any funds



of said township, such sum as is necessary, not exceeding five hundred dollars, for carrying the object for which they were appointed into effect, and said sum shall be repaid out of the trust fund provided for in this act when raised.

SEC. 12. Deeds and contracts may be made, and proceedings for appropriations and actions may be commenced, either in the name of such township providing the line of railway, or in the name of the trustees of \_\_\_\_\_ railway (filling the blank with the name given to the railway in the resolution), and said proceedings may be commenced and conducted, either in the court of common pleas or probate court as in cases of appropriation for the use of municipal corporations.

SEC. 13. This act shall take effect and be in force from and after its passage.

JOHN A. WILLIAMSON,  
*Speaker pro tem. of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 10, 1880.

[House Bill No. 217.]

#### AN ACT

Granting the right of way over and across certain lands owned by the state of Ohio, in Marion township, Franklin county, to the Columbus, Jeffersonville and Cincinnati railway company, for the purpose of constructing, maintaining, and operating a railroad thereon.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of public works is hereby authorized to grant, upon such terms and conditions as to price or otherwise as in their judgment will subserve the best interest of the state, the right of way, not exceeding one hundred feet in width, to the Columbus, Jeffersonville and Cincinnati railway company, its successors and assigns, to construct, maintain, and operate a railroad on and across a certain tract of land, containing about thirty acres, lying adjacent to the Columbus feeder, and in the southwest corner of section nine, township four, range twenty one, Marion township, Franklin county, Ohio, in such manner as will not in any way interfere with the use of said feeder as a means of water supply, or the purpose of navigation: provided, further, that this act shall not be construed to grant any exclusive right or privilege to the use of said lands to the said railway company, and the right to grant similar privileges to other corporations is hereby reserved.

SEC. 2. This act shall be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 10, 1880.

[House Bill No. 191.]

## AN ACT

Making appropriations to pay the principal and interest on the public debt, and the expenses of the sinking fund commissioners, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That there be and is hereby appropriated from any moneys in the treasury, by transfer or otherwise, and that may come into the treasury, belonging to the sinking fund for the payment of interest on the foreign debt of the state, three hundred and eighty-eight thousand three hundred and fifty-eight dollars and forty-two cents (\$388,355.42)

SEC. 2. For the payment of interest on school, ministerial, and trust funds, which constitute the irreducible debt of the state, there is hereby appropriated from the sinking fund the following amount, to wit: Forty-nine thousand three hundred and eleven dollars (\$49,311) to the Ohio state university, one hundred and sixty-two dollars and four cents (\$162.04) to the Ohio university, two hundred and twenty-five thousand one hundred and eighty-eight dollars and thirty-eight cents, to the counties entitled thereto, to be paid as provided by law.

SEC. 3. To pay the expenses of the office of the commissioners of the sinking fund, including salary of clerk, two thousand dollars (\$2,000)

SEC. 4. This act shall take effect on its passage.

THOS. A. COWGILL,

*Speaker of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Passed April 12, 1880.

[Senate Bill No. 152.]

## AN ACT

Supplementary to an act relating to cities of the first class, having a population exceeding one hundred and fifty thousand inhabitants, passed May 4, 1869.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That each and every trustee now in office, appointed by virtue of the second section of the said act, and who has held such office for the period of five years, shall, within thirty days from the passage of this act, give a new bond, to take the place of the one heretofore given to the city of Cincinnati, in such amount as the superior court of the city of Cincinnati has or may hereafter appoint, with two or more sureties to be approved by the said court, conditioned for the faithful discharge of his duties; and said trustees, and any trustee hereafter appointed, shall, in like manner, within

Trustees of Cincinnati Southern railroad required to give bond.

five years from the giving of any bond under this act, or under the act to which this is supplementary, enter into a new bond, conditioned and approved as herein directed: provided, however, that the sureties on any bond, in the place of which a new bond may be given, as herein provided, shall continue liable as to any act or matter occurring prior to the time when such new bond is required to be given. And a failure of any such trustee to give said bond within the time so fixed shall be treated as a failure to discharge his duties as such trustee, and by the said court as a resignation of his said office, and the court shall proceed to fill the vacancy as in the said act provided for other cases.

SEC. 2. This act shall take effect from and after its passage.

JOHN A WILLIAMSON,

*Speaker pro tem of the House of Representatives.*

R. G. RICHARDS,

*President pro tem of the Senate.*

Passed April 12, 1880

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[ House Bill No. 479 ]

#### AN ACT

Appropriating money to pay for the revised statutes bought for the state under senate joint resolution No. 21, and for other purposes therein named.

WHEREAS, Senate joint resolution No. 29 authorized and directed the secretary of state to purchase from the publishers seven hundred and seventy-five bound copies of the revised statutes of Ohio, at two dollars per volume, or four dollars per copy; and

WHEREAS, The secretary of state has made the purchase provided for in said senate joint resolution No. 29; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That there be and hereby is appropriated from the general revenue fund in the treasury not otherwise appropriated the sum of thirty-one hundred dollars to pay for the revised statutes purchased in pursuance of said joint resolution.

For payment to the attorney-general of a sum equal to three per cent. of all moneys collected by him and certified into the treasury; but not in the aggregate exceeding five hundred dollars.

For contingent expenses in the adjutant-general's office, and for transportation of arms necessary in adjusting the ordnance accounts between the state of Ohio and the general government, six hundred dollars.

For deficiency in adjutant general's contingent fund for 1879, five hundred dollars.

For deficiency in fund "for care of state house," accruing

previous to February 15, 1880, two hundred and sixty-five dollars.

SEC. 2. This act shall and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 12, 1880.

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[Senate Bill No. 179.]

AN ACT

To amend section eight thousand three hundred and eighty-two of the revised statutes of Ohio.

[GEORGETOWN.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section eight thousand three hundred and eighty-two of the revised statutes be and the same is hereby amended so as to read as follows:

Section 8382. The said trustees and their successors shall be the trustees of said fund, and shall have the control and disbursement of the same; they shall expend said fund in procuring the right to construct, and in constructing a single track railway, with all the usual appendages; and for the purpose aforesaid, shall have the power and capacity to make contracts, appoint, employ, and pay officers and agents, and to acquire, hold and possess all the necessary real and personal property and franchises; they shall also have power to receive donations of lands, money, or bonds, and other personal property, and to dispose of the same in aid of said fund.

SEC. 2. That said original section eight thousand three hundred and eighty-two be and the same is hereby repealed.

SEC. 3. This act shall take effect and be in force from after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 12, 1880.

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[Senate Bill No. 14.]

AN ACT

To authorize the election of one additional judge in the second subdivision of the fifth judicial district.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That there shall be elected, in the second subdivision

of the fifth judicial district of Ohio, composed of the counties of Ross, Highland, and Fayette, by the electors thereof, under and in pursuance of the general election laws of the state of Ohio, governing the election of judges of the court of common pleas, at the general election on the second Tuesday of October, A. D. 1880, one judge of the court of common pleas, in addition to the number heretofore provided for by law for said second subdivision of said fifth judicial district. Said additional judge shall be elected for the term of five years; his term of office shall begin on the first Monday of November, following his election, and he shall have all the powers and be subject to all the obligations, and shall perform all the duties pertaining to said office of judge of the common pleas court; shall receive the same compensation of other common pleas judges; and vacancies, if any in his office, shall be filled as now provided by law.

SEC. 2. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,

*Speaker of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Passed April 12, 1880.

[Amended Senate Bill No. 143.]

#### AN ACT

Supplementary to the act entitled "an act to revise and consolidate the general statutes of Ohio," passed June 20, 1879, and to amend section 3631 of said act.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the following sections be enacted as supplementary to chapter 10, title 11, part second, of the revised statutes of Ohio, with sectional numbering as herein provided:

Section 3630a. That each corporation, company, or association now organized, or that may hereafter be organized, in pursuance of sections 3236 and 3238 of the act to revise and consolidate the general statutes of Ohio, passed June 20, 1879, or under any other law of this state, for the purpose of doing business under the provisions of section 3630 of said act, or for the purpose of doing such business as is contemplated by said section, shall, on the first day of January, each year, or within sixty days thereafter, deposit in the office of the superintendent of insurance a statement, under oath, of all its transactions for the year next preceding said first day of January, and the condition of its business at the close of said year, according to printed blanks, which shall be prepared and furnished by the superintendent of insurance, showing, in detail, the transactions of each company

Mutual aid  
associations  
annually to  
file with  
superinten-  
dent of insu-  
rance sworn  
statement  
of its trans-  
actions.

or association, exhibiting the following facts and items in the following form, to wit:

1. Number of certificates or policies issued during the year.
2. The amount of the indemnity effected thereby.
3. Number of death losses during the year.
4. Number of death losses paid during the year.
5. Total amount received from death assessments during the year.
6. Total amount paid to certificate-holders or policy-holders for losses during the year.
7. Number of death claims not due, but for which assessments have been made.
8. Number of losses for which assessments have not yet been issued.
9. Number of death claims compromised or resisted during the year, and reasons for such compromise or resistance.
10. Does the association or company charge annual dues?
11. How much are the dues for one thousand dollars (\$1,000.00) of indemnity.
12. Does the association or company use the death assessments to meet its expenses, in whole or in part?
13. Amount of death assessments used to meet expenses during the year.
14. Do the certificates or policies issued by association or company guarantee a fixed amount to be paid, regardless of amount realized from assessments made to meet the same?
15. If so, state how the amount is guaranteed.
16. What security for such guarantee?
17. Does the association or company issue endowment certificates or policies, or undertake and promise to pay to members during life any sum of money or thing of value?
18. If so, how are these payments or promises provided for?
19. If by reserve, state the amount of reserve.
20. From what source is the reserve fund obtained?
21. How invested?
22. What guarantee or security have the certificate-holders for this reserve?
23. How many classes or divisions of endowment certificates or policies have the association or company?
24. How many years required for maturity of first class or division? How many years required for maturity of second class or division? How many years required for maturity of third class or division? How many years required for maturity of fourth class or division?
25. Number of certificates or policies in force in first class or division. Number of certificates or policies in force in second class or division. Number of certificates or policies in force in third class or division. Number of certificates or policies in force in fourth class or division.
26. Date of organization of association or company.

What such statements to contain.

27. Number of certificates or policies lapsed during the year.

28. Whole number of certificates or policies in force at the beginning and end of the year.

29. The aggregate amount of certificates in force at the beginning of the year.

30. The aggregate amount of certificates lapsed during the year.

31. The aggregate amount of certificates in force at the end of the year.

32. Maximum, minimum, and average age of members received during the year.

33. Has the association or company any agents who have not given bonds?

34. In what State is the association doing business?

To make report to superintendent within ninety days.

Section 3630b. Within ninety days after the passage of this act, each corporation, company, or association doing business in pursuance of said section 3630, shall report, under oath, to the superintendent of insurance its transactions for the year 1879, on the form required to be furnished in the first section of this act.

Failure to file statement to work for forfeiture of franchise.

Section 3630c. Any such corporation, company, or association which shall fail or refuse to file a statement or report, or whose treasurer fails to file a bond as required by this act, shall forfeit its right to do business, which forfeiture the superintendent of insurance shall enforce by proceedings in quo warranto; and it is hereby made the duty of the attorney-general of the state to institute such proceedings, upon his request, in writing. No such corporation, company, or association issuing endowments, certificates, or policies, or undertaking, or promising to pay to members during life any sum of money, or thing of value, or certificate, or policy guaranteeing any fixed amount to be paid at death, except such fixed amount or endowments shall be conditioned upon the same being realized from the assessments made on members to meet them, shall be permitted to do business in this state, until they shall comply with the laws regulating regular mutual life insurance companies.

Attorney-general to institute proceedings.

Superintendent of insurance may cause examination to be made.

Section 3630d. The superintendent of insurance may, whenever he has good reason to believe that the business of any such corporation, company, or association is not being legally and honestly conducted, or that such corporation, company, or association is exercising powers or franchises not conferred by law, cause an examination of its affairs to be made at the expense of such corporation, company, or association, by one or more disinterested persons, and at an expense not to exceed five dollars a day for each person so employed; and if upon such examination, it shall appear that such corporation, company, or association is exercising powers or franchises contrary to law, the superintendent of insurance shall institute proceedings in quo warranto against the same, in the manner provided in section three of this act

**Section 3630a.** No such corporation, company, or association organized under the laws of any other state shall be permitted to do business in this state unless they first comply with the laws of the state of Ohio regulating corporations, companies, or associations organized for the mutual protection of its members within this state, and obtain, from the superintendent of insurance of this state, a certificate of such compliance, which certificate shall not be granted until such foreign corporation, company, or association shall have appointed an agent or attorney within this state upon whom service of process may be had.

**Section 3630f.** An action may be brought against any such corporation, company, or association, organized under the laws of Ohio, or against any such foreign corporation, company, or association doing business in Ohio, in any county of this state where such cause of action arises, and summons may be issued and service had as provided in chapter six, sub-divisions one and two, title one, part third, of the revised statutes of Ohio, the provisions of which chapter are hereby made applicable in such cases.

**Sec. 7.** That section thirty-six hundred and thirty-one of said act to revise and consolidate the general statutes of Ohio, be so amended to read as follows:

**Sec. 3631.** No agent or officer of any such corporation, company, or association shall be permitted to collect or receive any dues, assessments, or donations for or on account of the same, until he executes jointly, with two responsible sureties, a bond to the corporation, company, or association, to the approval of the trustees thereof, in such sum as they shall prescribe, conditioned for the payment of all such dues, assessments, and donations over to the proper officer of the company; and all receipts of any such company or association shall be paid into the hands of the treasurer thereof, who shall, before assuming the duties of his office, give bond in the sum of not less than ten thousand nor more than fifty thousand dollars, as the said superintendent may determine, with not less than three sureties, to be approved by the superintendent of insurance, and conditioned for the faithful accounting for and proper payment and disbursement to the legitimate purposes of the company or association of all the money thereof which comes into his hands. Said bond of the treasurer shall be examined as to its sufficiency, annually, and shall be renewed whenever the superintendent of insurance shall require, and, with the approval of the superintendent of insurance indorsed thereon, shall be filed with the secretary of state.

**Sec. 8.** This act shall not apply to any association of religious or secret societies, or to any class of mechanics, express, telegraph, or railroad employees, formed for the mutual benefit of the members thereof and their families exclusively.

**Sec. 9.** That said original section 3631 be and the same

**Rules under which foreign associations may do business in this state.**

*Page 181*  
Sec. 3630c.  
Amended  
80 O.L.180.

**When action against such association may be brought.**

**No agent to collect dues without giving bond.**

**Bond of treasurer of association.**

**Certain associations exempted from provisions of this act.**



is hereby repealed; and this act shall take effect from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
 R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 12, 1880.

[Senate Bill No. 224]

AN ACT.

To amend section 2305 of the revised statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 2805 of the revised statutes of Ohio be so amended as to read as follows:

Section 2805. In each city of the second and third grade of the first class, and each city of the second class there shall be an annual board for the equalization of the value of real and personal property, moneys, and credits in such city, to be composed of the county auditor and six citizens of such city, appointed by the council thereof; said board shall meet at the office of the county auditor on the fourth Monday of May, and shall close their session on or before the second Monday of July then next following, except in cities of third grade of the second class, the board shall close their session on or before the fourth Monday of June following. The board shall have power to equalize the value of the real and personal property, moneys, and credits within such city, and shall be governed by the rules, provisions, limitations prescribed in the next preceding section for annual county boards. The members shall each be entitled to receive the following fees for each day necessarily employed in the performance of their duties: As members of city boards of the first class and of the first and second grades of the second class, five dollars per day; and members of city boards of the third and fourth grades of the second class, two dollars and fifty cents per day, to be paid out of the county treasury; and in each city of the first grade of the first class there shall be a like annual board, with the same powers and duties, to be composed of the county auditor and six citizens of such city, to be appointed by the council; the first appointments being of two for one year, two for two years, and two for three years, and thereafter, annually, two shall be appointed for three years, and all vacancies shall be filled for the unexpired terms; said board shall meet at the office of the county auditor on the fourth Monday of May, and, including the board now elected, shall close their session on or before the first Monday in August, and it may appoint all necessary clerks, not exceeding six; each member, except the auditor, shall receive five dollars per day, and each clerk three dollars

Page 182  
 Sec. 2805.  
 Amended.  
 78 O.L.179.

Annual  
 board of  
 equalization,  
 how consti-  
 tuted and  
 organized.

per day for their services for the time actually employed in the discharge thereof, which shall be paid out of the county treasury. Said board shall be authorized to administer any oath which it may deem necessary to the proper discharge of its duties.

Sec. 2. That original section 2805 be and the same is hereby repealed, and this act shall be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

■ Passed April 12, 1880.

[House Bill No. 410.]

#### AN ACT

"To amend section 534 of the revised statutes.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Ohio;* That section 534 of the revised statutes be so amended as to read as follows:

■ Section 534. No judge of a probate court, or any deputy clerk employed by him, or who is engaged in the business of such court as clerk thereof, shall, during the term of his office, or employment, practice law, or be associated with another as partner in the practice of law, in any of the courts or other tribunals of this state; neither shall such judge or clerk prepare any petition or answer, or make out any account which any executor, administrator, guardian, or other person is required to present for the settlement of the estate committed to his care and management; nor appear as counsel or attorney before any justice of the peace, or before any court or other judicial tribunal in the state; nor shall such judge or deputy clerk make a record of any paper, receipt, or voucher produced to verify any charge or credit in the account, filed or presented for settlement as aforesaid, unless the recording thereof is requested in writing by the party making such settlement; but nothing contained in this section shall prevent any probate judge or deputy clerk aforesaid from finishing any business by him commenced prior to his election or appointment, not connected with his official business; and if any judge of the probate court, or any deputy clerk employed by him, willfully violates any provisions herein prohibiting him from practicing law in any of the ways specified, such judge or deputy clerk shall be fined in any sum not exceeding fifty dollars, and, upon conviction thereof, shall be removed from office; and the prosecuting attorney is hereby required to file his information against such judge or deputy clerk in the court of common pleas, and proceed as upon indictment.

No probate judge or his clerk shall practice law.

Penalty for violation of above.

Prosecuting attorney to proceed by information in such case

SEC. 2. Said original section 584 be and the same is hereby repealed.

SEC. 3. This act shall take effect from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
 R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 12, 1880.

[House Bill No. 154.]

AN ACT

To amend section 2830 of the revised statutes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 2830 of the above recited act be amended so as to read as follows:

Labor on  
public high-  
ways.

Page 184  
Sec. 2830.  
(Wash'n Co.)  
78 O.L.37.

Section 2830. Any person charged with a road tax may discharge the same by labor on the public highways, within the proper time, at the rate of one dollar and fifty cents per day, and a ratable allowance per day for any team and implements furnished by any person, under the direction of the supervisor of the proper district, who shall give to such person a certificate specifying the amount of tax so paid, and the district and township wherein such labor was performed, which certificate shall in no case be given for any greater sum than the tax charged against such person; and the county treasurer shall receive all such certificates as money in the discharge of said road tax: provided, that, when the commissioners of any county so direct, the supervisor shall write on the margin of his lists, opposite to the amount charged against all such as may pay the same by money or labor, the word "Paid," and shall return his list on or before the fifth day of September in the year in which levied, to the township clerk, who shall write on the margin of the list sent him by the auditor, opposite to the amount charged against each person who may have paid the same in labor or money, as shown by the return of the supervisor, the word "Paid," and shall forthwith forward the same to the county auditor, who shall charge all such as may remain unpaid, as shown by the township clerk, upon the duplicate of the proper county, and the same shall be collected as other moneys are collected, in the December installment, by the county treasurer. When such road tax is paid in labor, such labor shall be performed before the first day of September, in the year in which levied. All road taxes collected by the county treasurer shall be paid over to the treasurer of the township or municipal corporation from which the same were collected, and shall be expended on the public roads, and in building and repairing bridges, in the town-

County  
treasurer  
shall receive  
certificates  
as money for  
road tax.

Page 184  
Sec. 2830.  
Fulton Co.  
79 O.L.88,89.

Money or la-  
bor.

When paid  
in labor.

When labor  
to be per-  
formed.

Expenditure  
of road fund.

ship and municipal corporation from which the taxes were collected, under the direction of the trustees of the proper township, or council of such municipal corporation; and all funds heretofore levied for road purposes, and not expended, shall be expended by the trustees of the township or council of the municipal corporation from which the same were collected, as other taxes collected under the provisions of this title: provided, that in all counties containing either graveled roads or free turnpikes, or both, except Shelby or Allen counties, the time for the payment of the road tax in labor on such roads may extend to the fifteenth of October of the year in which the same is levied, but on all other roads in such counties the labor shall be performed before the fifteenth of September; and the supervisors in such counties shall return their lists, as provided for in this section, before the twenty-fifth of October of the year in which the tax was levied.

Time for payment of road tax extended in certain counties.

SEC. 2. That section 2830, of which this is amendatory, be and the same is hereby repealed; and this act shall be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 12, 1880.

[House Bill No. 299.]

#### AN ACT

To regulate the public advertising of fire insurance companies.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the following section be enacted as supplementary to section 3661 of the revised statutes, with sectional numbering as herein provided:

Section 3661a. No insurance company, organized under the laws of this state, or admitted to do business in this state, shall, in any public advertisement, card, or circular, include in any statement of assets, any item of value, of a class or character not admitted by the superintendent of insurance of this state in the annual reports of said companies. And every such advertisement, card, or circular, containing a statement of assets, shall in all cases contain also a full statement of all the liabilities of said company, including the reinsurance reserve, which in no case shall be less than fifty per cent. on the gross premiums received on all unexpired risks.

Fire insurance company to include in advertisement only assets admitted by superintendent of insurance.

Section 3661b. Any violation of this act, after the second notice from the superintendent of insurance of this state, shall render such company liable to a fine of one thousand dollars (\$1,000), and each subsequent violation to a similar

Penalty.

fine; to be recovered, for the benefit of the common school fund of the county, in an action to be instituted by the prosecuting attorney, in the name of the state of Ohio, against said company.

SEC 3. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 12, 1880.

[House Bill No. 333.]

# AN ACT.

To amend section thirty-nine hundred and fifty (3950) of the revised statutes of Ohio.

SECTION 1. Be it enacted by the General Assembly of the State of Ohio, That section thirty-nine hundred and fifty of the revised statutes be amended so as to read as follows:

Section 3950. No joint sub-district which is now organized, or may hereafter be organized, shall be dissolved, changed, or altered, unless by the concurrent action of the boards of education of the several townships having territory included therein: provided, however, that when any board of education in a joint sub-district desires to dissolve, change, or alter the same, the board of education desiring such dissolution, change or alteration, shall notify, in writing, the boards of education interested of the time when they will meet to consider the proposed dissolution, change, or alteration. The place of meeting shall be at the school-house in such joint sub-district; but if there be none, then at some convenient place in the vicinity of such joint sub-district. If the joint boards fail to meet, or, having met, can not agree upon a dissolution, change, or alteration (as the case may be), then the board of education desiring such dissolution, or change, or alteration, may appeal to the probate court of the proper county, and the same proceedings shall be had as in case of appeal in the formation of joint sub-districts, so far as applicable, as provided in sections 3935, 3936, 3937, 3938, 3939, 3940, 3941 of the revised statutes.

SEC. 2. Section thirty-nine hundred and fifty of the revised statutes is hereby repealed, and this act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 12, 1880.

Page 186  
Sec. 3950.  
Amended  
81 O.L. 211.

How joint  
sub-district  
dissolved,  
changed, or  
altered.

Board of ed-  
ucation fail-  
ing to agree,  
may ap-  
peal to probate  
court.

[Senate Bill No. 11.]

## AN ACT

To amend section 3499 of the revised statutes.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Ohio,* That section three thousand four hundred and ninety-nine of the above recited act be so amended as to read as follows:

Section 3499. In any county where heretofore or hereafter an affirmative vote has [been] or may be given, at any general election, in favor of purchasing any or all of the toll-roads, or parts thereof, lying within such county, at a price to be fixed by three disinterested appraisers, who shall be appointed as follows: One by the court of common pleas of the county, or a judge of said court resident of the subdivision in which the county is situate; one by the probate judge of the county, and one by the county commissioners; said appraisers, after being sworn faithfully and honestly to discharge their duties in that behalf, shall personally inspect the road or roads, or parts thereof, so far as the same may be within such county, and make and return, in writing, to the commissioners a valuation of each of the roads or parts thereof; and if the commissioners, from any cause, fail to purchase any such road, or part thereof, other appraisers may be appointed in the same manner.

S c. 2. That section three thousand four hundred and ninety-nine of "an act to revise and consolidate the general statutes of Ohio," be and the same is hereby repealed, and this act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,

*Speaker of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Passed April 12, 1880.

[House Bill No. 475.]

## AN ACT

To provide for the support of the soldiers and sailors' orphans outside of the soldiers and sailors orphans' home at Xenia.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of the soldiers and sailors orphans' home, and under their directions, the superintendent is hereby authorized and directed to contract at a per capita not to exceed the current expense cost of keeping the children at the Xenia home, with the proper officers of the different childrens' asylums or homes in the state for the support of such children as have been or may hereafter be

How toll-roads voted to be purchased by county appraised.

Page 187  
Sec. 3499.  
Amended.  
78 O.L.149.

Superintendent of soldiers and sailors orphans' home may contract for support of children outside of home.

Page 187  
Lower Act.  
Repealed.  
78 O.L.201.

Appropriation for such purpose.

transferred to said homes, who are children of soldiers or sailors who served in the late war from the state of Ohio.

SEC. 2. To enable the trustees to carry into effect the provisions of this act, there is hereby appropriated out of any money in the treasury to the credit of the general revenue fund not otherwise appropriated, the following sums of money, to wit: For the support of such children from February 15, 1880, to February 15, 1881, the sum of ten thousand dollars (\$10,000) to pay the keeping of such children at the Montgomery county childrens' home from May 15, 1879, to February 15, 1880, six thousand three hundred and thirteen dollars and twenty-seven cents (\$6,313.27). To pay the support of Lucy E. Willeman, orphan of deceased soldier at the Ebenezer orphans' institute of Seneca county from April 14, 1879, to January 16, 1880, one hundred and thirteen dollars and thirty-three cents, (\$113.33). If the amount appropriated for the support of orphans from February 15, 1880, to February 15, 1881, is not sufficient to pay in full to each asylum or home provided for such orphans, the same be prorated per capita among said asylums or homes.

SEC. 3. This act shall take effect and be in force from and after its passage.

THOS. A COWGILL,

*Speaker of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Passed April 13, 1880.

[House Bill No. 79.]

#### AN ACT

To amend section 503 of "an act to revise and consolidate the general statutes of Ohio,"

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 503 of the revised statutes of Ohio be and the same is hereby amended so as to read as follows:

Judge of superior court of Cincinnati may reserve case for decision at general term.

Judgments and final orders at general term reviewable only by supreme court.

Section 503. It shall be lawful for any judge of the superior court of Cincinnati, sitting in special term, to reserve and adjourn for the decision of the said court, in general term, any questions of law or fact arising in any case upon the record, or upon evidence in writing, and when the decision of such questions authorizes or requires a final order of [or] judgment the same may be entered by the court in general term. Judgments and final orders of said court, in general term, shall be reviewable only by the supreme court; all laws providing for the review of final orders and judgments of district courts shall apply to final orders and judgments of said superior court in general term; but the petition in error can only be filed by leave of the supreme court, or a judge thereof.

SEC. 2. That said original section 503 of "an act to revise

and consolidate the general statutes of Ohio," passed June 20, 1879, be and the same is hereby repealed; and this act shall be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*

R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 13, 1880.

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[House Bill No. 219.]

### AN ACT

To amend sections 6350 and 6351 of the revised statutes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 6350 be so amended as to read as follows:

Section 6350. The assignee or trustee shall proceed at once to convert all the assets received by him into money, and to sell the real and personal property assigned, including stocks and such bonds, notes, and other claims as are not due, and which can not probably be collected within a reasonable time, either for cash, or upon such other terms as the court may order, at public auction, at such time and place as may be designated in notice given by advertisement in some newspaper of general circulation within the county for four consecutive weeks, and of which sale due return shall be made to the judge; but all such sales of real estate shall be made at not less than two-thirds the appraised value thereof, being subject to re-appraisement, as upon executions at law, and such sale shall be set aside or confirmed, as the court shall order; and if confirmed, deeds shall be made to the purchasers, conveying the title free from all liens on the same for all debts due by the assignor. Whenever the court shall be satisfied that it would be for the advantage of the creditors of the assignor to sell any part of the real or personal property assigned at private sale, the court may authorize the assignee or trustee to thus sell the same, either for cash or upon such terms as the court may order; but such real estate shall, in no case, be sold for less than two-thirds its appraised value; nor shall such personal property be sold for less than two-thirds of such appraisement unless the court shall, upon good cause shown, order the assignee to sell the same for a less amount, and a return of such sale shall be made within the time prescribed by the court; and such sale shall be confirmed by the court before the same shall be complete and binding; and if confirmed, deeds shall be made of the real estate to the purchasers, conveying the title free from all liens on the same, for all debts due by the assignor. Should any property thus ordered to be sold at private sale

Trustee of  
insolvent  
debtor to  
convert as-  
sets, etc.,  
into money.



Compromise,  
or sale of  
claims.

Comple  
real con-  
tracts.

Wife of as-  
signor may  
be made a  
party, and  
ask court to  
have real es-  
tate sold free  
of contin-  
gent right of  
dower.

Court, on ap-  
plication of  
seven-  
eighths of  
creditors  
may order  
business of  
assignor car-  
ried on by  
assignee

be not sold within the time prescribed by the court, then the court shall order the same to be sold at public auction, in the same manner as though a private sale had not been ordered; and the assignee or trustee may, with the approval of the court, compromise or sell any claim or demand, on behalf of the assignor, which is desperate or difficult of collection; and he may also, with the approval of the probate court, complete and enforce all sales of real estate made by the assignor, making all needful conveyances for that purpose: provided, however, that the limitation as to the price for which real estate shall be sold shall not apply to real estate situate out of the state: and provided further, that when any real estate is to be sold under the provisions of this section, the wife of the assignor may be made a party, and she may file her answer and ask the court to have said real estate sold free of her contingent right of dower, and to allow her, in lieu thereof, such sum of money, out of the proceeds of the sale, as the court deems the just and reasonable value of her contingent dower interest therein; and such answer of the wife of the assignor shall have the same force and effect, and shall be taken and held to be, in all respects, as a deed of release to the purchaser of such real estate of the contingent dower interest therein of such wife. It is further provided that, where said wife has executed a mortgage jointly with her husband on any of the real estate aforesaid, or where the husband alone has executed a mortgage as security for the payment of the purchase price or a part thereof, or any of the said real estate, such court shall order the sale of the same free from the contingent right of dower of such wife, and shall find and determine the just and reasonable value of such wife's contingent dower interest in the balance of the proceeds of such sale of real estate after the payment of such incumbrances as preclude her right to dower therein: provided, that whenever the court shall be satisfied that it would be for the advantage of the creditors of the assignor, the court may, on a written application made to him by a seven-eighths in number and amount of said creditors, order any business carried on by the assignor at the time of the assignment, to be carried on by the assignee, and said court shall order the discontinuance of said business whenever he deems it to the advantage of said creditors; and said court shall fix such compensation for said assignee, when ordered to continue said business, in addition to the fees now allowed by law, as may be just and proper.

SEC. 2. That said section 6351 be so amended as to read as follows:

Section 6351. The probate court shall order the payment of all incumbrances and liens upon any of the property sold, or rights and credits collected out of the proceeds thereof, according to priority: provided, that the assignee may, in all cases where the real estate to be sold is incumbered with

liens, or where any questions in regard to the title require a decree to settle the same, commence a civil action for the sale of such real estate, in the court of common pleas of the proper county, making all persons in interest, including the wife of the assignor, parties to such proceedings; and, upon hearing, such court shall order a sale of the premises, the payment of incumbrances and the contingent dower interest of said wife, subject to the proviso hereinafter contained, and determine the question involved in regard to the title to the same; and the proceeds of the real estate so sold by order of the court of common pleas, after the payment of liens and incumbrances, and the contingent dower interest of such wife, as ordered by such court, shall be reported to the probate court by the assignee, and disposed of as provided in this chapter: provided, that all the provisions of said section six thousand three hundred and fifty, in relation to the wife of the assignor, as a party to proceedings thereunder and her rights by virtue thereof, shall apply to proceedings under this section. Nothing in this section and said section six thousand three hundred and fifty shall be so construed as in any way to impair the right of homestead exemption, or the right of an allowance in lieu of homestead, or the mode provided by law for enforcing such rights.

SEC. 3. That said original sections six thousand three hundred and fifty and six thousand three hundred and fifty-one be and the same are hereby repealed.

SEC. 4. This act shall take effect and be in force on and after its passage.

THOS. A COWGILL,  
*Speaker of the House of Representatives.*  
R. G RICHARDS,  
*President pro tem. of the Senate.*

Passed April 13, 1880.

[House Bill No. 421.]

#### AN ACT

To amend sections 2766, 2806, and 2807, and to repeal sections 2767, 2768, 2808, 2809, and 2810 of the revised statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That sections 2766, 2806, and 2807 of the revised statutes of Ohio be so amended as to read as follows:

Section 2766. Upon receiving such report, the auditor shall fix the total value of the shares of such bank, according to their true value in money, and deduct from the aggregate sum so found the value of the real estate included in the statement of resources as the same stands on the duplicate; and when the bank is located in any city of the first or

Payment of  
liens by order  
of probate court.

Where title  
requires a  
decree to settle,  
action  
may be begun in  
common pleas.

Auditor to  
fix value of  
bank shares  
and transmit  
same with  
report of  
bank to  
board of  
equalization.

Page 191  
Sec. 2766,  
Amended,  
80 O.L.54.

second class, he shall thereupon make out and transmit to the city board of equalization, otherwise to the county board of equalization, a copy of the report so made by the cashier, together with the valuation of such shares as so fixed by the auditor.

*Page 199*  
Sec. 2806.  
Amended,  
80 O.L.54.

**Powers and  
duties of  
boards of  
equalization.**

Section 2806. The county auditor shall lay before each of the above named boards, for the territory they respectively have jurisdiction over, copies of all reports made by cashiers of banks, as required in section twenty-seven hundred and sixty-five, together with the valuation of the shares of such bank as fixed by the auditor and the returns of the assessors for the current year, and also the valuation of the real estate as the same was entered on the duplicate of the preceding year, or as fixed by the state board of equalization, with such maps, returns, lists, abstracts, and other papers that may be in the auditor's office, pertinent to their duties; and each of said boards shall keep a regular journal of its proceedings, which shall be deposited with the auditor.

*Page 199*  
Sec. 2807.  
Amended,  
80 O.L.54.

**Manner of  
equalization  
of property  
by boards of  
equalization.**

Section 2807. The said boards shall hear complaints, and equalize the assessments of all personal property, moneys, and credits, new entries and new structures returned for the current year by the township assessors, and the shares of the several banks in said county as fixed by the auditor; and they shall have power to add to or deduct from the valuation of the shares of such banks as fixed by the auditor, or of the personal property, or moneys, or credits of any person returned by the assessor, or which may have been omitted by him, or to add other items, upon such evidence as shall be satisfactory to said board, whether said return be made upon oath of such person or upon the valuation of the assessor, or upon the valuation of the auditor; but when any addition shall be ordered to be made to any list returned under oath, a statement of the facts on which such addition was made shall be entered on the journal of the board; and when any reduction shall be ordered to be made in the amount of the personal property, or moneys and credits of any person, or of the shares of any bank, whether such return be made by such person or by the assessor, or by the auditor, a statement of the facts on which such reduction was made shall be entered on the journal of the board.

*Page 199*  
Secs. 2808-10.  
Re-enacted,  
80 O.L.54.

SEC. 2. That sections 2766, 2767, 2768, 2806, 2807, 2808, 2809, and 2810 be and the same are hereby repealed.

SEC. 3. This act shall be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 13, 1880.

[House Bill No. 483.]

## AN ACT

To amend section 167 of the revised statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 167 of the revised statutes of Ohio be amended to read as follows:

Section 167. He may remit such taxes and penalties thereon as he ascertains to have been illegally assessed, and such penalties as have accrued or may accrue in consequence of the negligence or error of any officer required to do any duty relating to the assessment of property for taxation, or the levy or collection of taxes, and he may, from time to time, correct any error in any assessment of property for taxation or in the duplicate of taxes in any county: provided, that when the amount to be remitted in any one case shall exceed one hundred dollars he shall proceed to the office of the governor and take to his assistance the governor and attorney-general, and in all such cases may remit no more than shall be agreed upon by a majority of the officers named.

SEC. 2. That said original section 167 be and the same is hereby repealed.

SEC. 3. This act shall take effect from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 13, 1880.

Auditor of  
state may  
remit illegal  
taxes or pen-  
alties and  
correct  
duplicates.

[Senate Bill No. 229.]

## AN ACT

To authorize certain municipal corporations to construct machine shops and to issue bonds therefor.

[NEW PHILADELPHIA.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of any municipal corporation which, by the last federal census had, and those which hereafter on the first day of March in any year, as ascertained by any federal census, may have, a population of thirty-one hundred and forty-three, is hereby authorized to contract for, and construct machine shops for railroad purposes exclusively, and purchase real estate therefor, and for that purpose to issue bonds to the amount not to exceed one hundred thousand dollars, in such denominations and payable at such times as said council shall, by resolution, determine; such bonds shall be signed by the mayor, countersigned by

Page 193  
Lower Act.  
Supplem.  
78 O.L. 67.

the clerk, and attested by the corporate seal of such municipal corporation, and shall bear interest not to exceed the rate of six per cent. per annum, payable semi annually from the date thereof.

SEC. 2. That any such municipal corporation may negotiate such bonds for cash, or it may deliver the same in payment for such real estate, or for the construction of such machine shops; but in no case shall such bonds be disposed of for less than the par value thereof; and no contract shall be awarded until the contractor shall enter into bond to such municipal corporation in double the amount of such contract, conditioned that such contractor shall fully perform all the obligations imposed upon him by such contract.

SEC. 3. That such council is hereby authorized to lease said shops to a railroad company or companies, with or without the grounds upon which the same may be built, or to be built, for such terms, conditions, and reservations as may by it be determined by resolution, or such council may sell or convey said shops to a railway company or companies, with or without the grounds upon which the same are to be built, or contracted to be built, for such consideration and upon such terms, conditions, and reservations as may by it be determined by resolution, not in conflict with the former provisions of this act.

SEC. 4. That the powers herein conferred shall in no case be exercised by such council until thereto authorized by a vote of the qualified electors of such municipal corporation, taken at a general or special election held therein; that for the purpose of submitting such proposition to a vote of such electors, the clerk of said municipal corporation, upon the passage of a resolution by such council for the purpose, shall give notice of the time of holding such election, which shall be published in all the newspapers published in such city, whether English or German, at least ten days prior to the day of holding such election. Such election shall be held at the usual places of holding elections, and by the officers authorized to preside at elections in such municipal corporations. The poll-books and tally-sheets of such election shall forthwith be returned to the clerk of such municipal corporation, who, with the president of the council, shall at any regular or special meeting of such council proceed to canvass such vote, and the clerk of such municipal corporation shall enter the number of votes cast for and against said proposition in such voting precinct, and of the aggregate number of votes for and the number of votes against such proposition in such municipal corporation, and if it shall appear by the returns of such election that two thirds of all the electors voting at such election shall have voted in favor of such proposition, such council shall be authorized to exercise the powers conferred by this act; and if two-thirds of said electors shall not have voted in favor of such proposition, such council shall not exercise the powers conferred

by this act. The ballots to be voted at such general or special election shall have written or printed thereon the words "machine shops, yes," "machine shops, no."

SEC. 5. That the resolution of such council herein provided for shall forthwith be entered by the clerk of such municipal corporation upon the ordinance book of such municipal corporation, and shall take effect upon the passage without publication, any provisions of the law to the contrary notwithstanding.

SEC. 6. That all contracts, agreements, or conveyances authorized by this act shall, upon the part of such municipal corporation, be signed by the mayor, countersigned by the clerk, and attested by the seal of such municipal corporation, and the council of such municipal corporation is hereby authorized to levy such tax upon the taxable property of such municipal corporation each year thereafter as may be necessary to pay the interest on such bonds as may become due, and to provide a sinking fund to pay the principal of said bonds at maturity.

SEC. 7. That this act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 13, 1880.

[Senate Bill No. 196.]

#### AN ACT

To amend section 5874 of the revised statutes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section number 5874 of the revised statutes be so amended as to read as follows:

Section 5874. The applicant shall file in the office of the clerk of the court of common pleas a petition, to be verified, in which shall be set forth, specifically, the subject matter relative to which testimony is to be taken, and the names of the persons interested, if known to the applicant, and if not known, such general description as he can give of such persons, as heirs, devisees, alienees, or otherwise; the petition shall also state the names of the witnesses to be examined and the interrogatories to be propounded to each; that the applicant expects to be a party to an action in a court in this state, or is a party to an action already commenced, in which judgment has been rendered and the execution thereof stayed by proceedings in error, that such testimony will, as he believes be material in the trial of said action, and when the applicant expects to be the plaintiff, the obstacles preventing the immediate commencement of the action.

Petition to  
perpetuate  
testimony—  
what to con-  
tain.

SEC. 2. That said original section 5874 be and the same is hereby repealed; and this act shall take effect from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 13, 1880.

[Senate Bill No. 50.]

### AN ACT

To amend section 413, chapter 9, title 3, of the revised statutes. (Page 1006.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section four thousand and thirteen (4013), chapter nine, title three, of the revised statutes, be amended so as to read as follows:

Section 413. The schools of each district shall be free to all youth between six and twenty-one years of age, who are children, wards, or apprentices of actual residents of the district; and such youth may also be admitted free if they are members of the family of a freeholder whose residence is without, but whose homestead is partly within such district. Each board of education may admit other persons of like age, upon such terms or upon payment of such tuition as it may prescribe; provided, that in all counties which do not contain a city of the first grade of the first class, in such case there shall be credited on the tuition so charged the amount of school tax in such district, for the current school year, which may be paid by such non-resident pupil or a parent thereof; and the several boards shall make such assignment of the youth of their respective districts, to the schools established by them, as will, in their opinion, best promote the interests of education in their districts.

SEC. 2. This act shall take effect from and after its passage, and said original section 4013 is hereby repealed.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 13, 1880.

196, §4013  
[413] Am.  
84 v. 69. Who may be  
admitted to  
public  
schools.

Tax paid by  
by parent of  
non-resident  
pupil to be  
credited on  
his tuition.

[Senate Bill No. 182.]

## AN ACT

To authorize certain townships to build railroads, and to lease or operate them.

[BLUE CREEK TOWNSHIP, PAULDING COUNTY.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That whenever in any township which, by the federal census of 1870, had, and which by any subsequent federal census may have, a population of one hundred and sixty three (163), the township trustees thereof shall, upon the petition of not less than ten (10) resident tax-payers of such township, pass a resolution declaring it to be essential to the interests of such township that a line of railway shall be constructed on the line to be designated in said petition, and said railway shall be named in said resolution, and the termini thereof shall be designated therein, and not to exceed six (6) miles in length. It shall be lawful for a board of trustees, appointed as herein provided, and they are hereby authorized to borrow as a fund for that purpose, not to exceed the sum of six thousand dollars, and to issue bonds therefor, in the name of said township, bearing interest at a rate not exceeding seven per centum per annum, payable semi-annually; said bonds to be payable at such times and places, and in such sums as shall be deemed best by said board. Said bonds shall be signed and sealed by the president of said board, and attested by the clerk of said township, who shall keep a register of the same, and they shall be secured by the pledge of the faith of such township, and a tax which it shall be the duty of the trustees thereof, annually, to levy (which tax shall not exceed five mills on the dollar in any one year) to pay the interest and provide a sinking fund for the final redemption of said bonds; and provided, that no money shall be borrowed or bonds issued until after the question of providing the line of railway specified in said resolution shall have been submitted to a vote of the qualified electors of such township, at a special election, to be ordered by the township trustees, of which not less than twenty days notice shall be given by posting up notices at not less than five of the most public places in said township, and by publishing for three consecutive weeks such notice, in a newspaper printed in the county, wherein such township is located, and of general circulation in such township; further provided, a majority of said electors voting at such election shall decide in favor of such line of railway. The returns of said election shall be made to the clerk of said township, and by him laid before the township trustees, who shall declare the result by resolution. The bonds issued under the authority of this section shall not be sold or disposed of for less than their par value.



SEC. 2. If a majority of the votes cast at said election shall be in favor of the construction of the line of railway, as specified in the first section, it shall be the duty of the township trustees to nominate five trustees who shall be electors and freeholders of said township, to be called the trustees of \_\_\_\_\_ railroad (the blank to be filled with the name of the railroad as given in the aforesaid resolution), and the said nominations shall be forthwith presented to the judge of the court of common pleas presiding in said county, for his approval or rejection; and in case of his rejecting any of the persons named, then other nominations shall be made in like manner until said board is filled, and when said board shall be full the said judge shall make an order indorsing such appointment on the minutes of the court of which he is a judge. He shall also designate the amount of bond to be given by the trustees, each bond to be several, and conditioned for the faithful performance of his duties as such trustee; said bond shall be signed by not less than three sureties, and be approved by the clerk of said court, and shall be signed in duplicate; one copy to be filed with the clerk of said court, and the other with the treasurer of said township; said trustees shall, before entering upon the discharge of their duties, each take an oath of office that they will faithfully and honestly discharge the duties of their office.

SEC. 3. The said board of trustees and their successors shall be the trustees of said fund, and shall have the control and disbursement of the same. They shall expend said fund in procuring the right to construct, and in constructing and equipping a railway with all the proper appendages, and, if deemed necessary, a line of telegraph between the termini specified in said resolution, and for the purpose aforesaid, shall have the power and capacity to make contracts, appoint, employ, and pay officers and agents; and to acquire, hold, and possess all the necessary real and personal properties and franchises. They shall also have power to receive donations of land, money, bonds, and other personal property, and to dispose of the same in aid of said fund. The said trustees shall have the right to bring, maintain, and defend all actions, and to sue and be sued, plead and be impleaded, touching the said trust and trust property in their own names, as said trustees, in any of the courts of this state or elsewhere. They shall elect a treasurer, whose duty it shall be to draw from the treasurer of the county all of said trust funds upon the order of the said trustees, and the said treasurer shall give bond in such sum as the said trustees shall designate, which bond shall be signed by at least three sureties, and shall be approved by at least four-fifths of said trustees.

SEC. 4. The said trustees shall form a board, and shall choose one of their number president, who shall also be the acting trustee, with such powers as the board may, from time to time, confer upon him. A majority of said trustees shall

constitute a quorum, and shall hold regular meetings for the transaction of business at their regular office in the township under whose action they are appointed; but they may adjourn, from time to time, to meet at any place they may think proper. They shall keep a record of their proceedings, and cause to be kept a full and accurate account of their disbursements, and make a report of the same to the township clerk, whenever requested so to do by a resolution of the township trustees. No money shall be drawn from said fund but upon the order of said board except their own compensation, which shall be paid out of the same upon the recommendation of the township trustees, by resolution duly adopted and allowed by the court appointing them.

SEC. 5. Said trustees shall have power to take such security from any officer, agent, or contractor chosen, or appointed, or employed by them, as they shall deem advisable. They shall not become surety for any such officer, agent, or contractor, or be interested, directly or indirectly, in any contract concerning said railway. They shall be responsible only for their own acts.

SEC. 6. Whenever the township trustees, or any one of them, of any township under whose action a board of trustees has been appointed as herein provided, shall have reason to believe that any one or more of said trustees has failed in the faithful performance of his trust, it shall be the duty of such township trustees to apply to the then judge of the court of common pleas by petition, alleging such misconduct, and praying that he or they be removed, and that such vacancies be ordered to be filled in the manner heretofore provided for; and if the said township trustees shall fail, upon the written request of not less than five resident tax payers, or upon the request of any of the bondholders of said township bonds, then, and in that case, such tax-payers or bondholders may file such petition for relief in the court of common pleas of said county; and if the court, upon the hearing of said petition, shall adjudge in favor of such plaintiff, it shall remove such trustee or trustees, and any vacancy from this, or by resignation, death, or removal, shall be filled in the manner hereinbefore provided for.

SEC. 7. Whenever in the construction of a line of railway, as herein provided, it shall be necessary to appropriate land for the foundation of the abutments or pier of any bridge across any stream, or for any other purpose, or to appropriate any rights or franchises, proceedings shall be commenced and conducted in accordance with the laws in force at the time for the appropriation of such private property for the use of corporations, except that the oath and verdict of the jury, and judgment of the court shall be varied to suit the case.

SEC. 8. Whenever there shall be between the termini designated in any resolution passed under this act, a railroad

already partially constructed, or rights of way acquired therefor, which can be adopted as parts of the line provided for in said resolution, the trustees of said line may purchase or lease the said railroad or right of way, and pay for the same out of the trust fund.

SEC. 9. Whenever in the construction of a line of railway, as herein provided, the said board of trustees shall find it necessary to use or occupy any street, alley, or other public way, space, or ground, or any part thereof, of any incorporated village in said township, proceedings shall be commenced and conducted in accordance with the laws in force at the time for the appropriation of such rights or easements by street railway corporations, except that the oath and verdict of the jury, and judgment of the court, shall be so varied as to suit the case.

SEC. 10. On the final completion of any line of railway constructed under the provisions of this act, the board of trustees shall have power to lease the same to any person or persons, or company, as will conform to the terms and conditions which shall be fixed and provided by the trustees of the township by which the line of railway is owned.

SEC. 11. Deeds and contracts may be made, and proceedings for appropriations and actions may be commenced either in the name of such township providing the line of railway, or in the name of the trustees of ——— railway (filling the blank with the name given to the railway in the resolution), and said proceedings may be commenced and conducted, either in the court of common pleas or probate court, as in cases of appropriation for the use of municipal corporations.

SEC. 12. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem of the Senate.*

Passed April 13, 1880.

[ House Bill No. 381. ]

#### AN ACT

To amend section 466 of the revised statutes of 1880.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 466 of the revised statutes be so amended as to read as follows:

Section 466. During the year 1880 after the expiration of the March term thereof, there shall be two terms of the court of common pleas in Cuyahoga county, commencing on the first Monday of May and the second Tuesday of October. After said year 1880, there shall be three terms of said court in said county each year, and the day of the commencement

Terms of  
court in  
Cuyahoga  
county.

200, § 466.  
Am.  
82 v. 28.

of each of said terms shall be fixed as provided in section 457 of the revised statutes of Ohio, and the judges thereof shall have power to classify and arrange the business therein, and to assign to each of the judges such portion of the business therein as may be thought proper, and which business of the court may be disposed of by all or any member of the judges sitting together or each sitting separately; and the judges of the court may make such rules and regulations for the government of the officers of the same as may be proper for the efficient transaction of the business thereof.

SEC. 2. Section 466 of the above entitled act is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 13, 1880.

[House Bill No. 269.]

#### AN ACT

To amend section 5369 of the revised statutes, and to repeal the section so amended.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 5369 of the revised statutes of Ohio be and the same is hereby amended so as to read as follows:

Section 5369. Where either or both parties have died, or may hereafter die, after judgment rendered, and before satisfaction thereof, the representatives, real or personal, or both, as the case may require, may be made parties to the judgment, and the same may be revived by an action brought for that purpose; or they may be made parties thereto in the same manner as is prescribed for the revival of actions before judgment; and such judgment may be rendered and execution awarded as might or ought to have been given or awarded against the representatives, real or personal, or both, of such deceased party; and where any judgment or decree has been heretofore rendered, or may hereafter be rendered, in the district court of any county, and a mandate be ordered to be sent to the court of common pleas to carry the same into execution, and if either or both parties thereto have died or shall die before satisfaction thereof, the same may be revived in such court of common pleas, in conformity with this section, and the provisions of this section shall apply to pending actions; but nothing herein shall revive

How judgment revive when party dies after it is rendered. (201, 5369. Am. 82 v. 34.

To apply to pending actions.

any action already barred by the statute of limitation, and said section 5369 is hereby repealed.

SEC. 2. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 14, 1880.

[House Bill No. 338.]

### AN ACT

To amend sections 3351 and 3354 of the revised statutes of Ohio, and to repeal said sections, and also section 3352.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That sections 3351 and 3354 of the revised statutes of Ohio be so amended as to read as follows:

Prescribing  
heating ap-  
paratus for  
railroad cars.

Section 3351. Each railroad company in this state shall, when necessary to heat any of its cars for carrying passengers, mail, baggage, or express matter, do so by a stove or heater so constructed and protected as to most effectually guard the passengers against the danger by fire, in case of accident by collision, or the cars being overturned or thrown from the track; and it shall be unlawful for any such company to permit any other person or corporation to use cars carrying passengers, mail, baggage, or express matter over its road unless the heating apparatus thereof shall conform to the requirements of this section.

Penalties for  
violating  
certain sec-  
tions.

Section 3354. Any railroad company refusing or neglecting to comply with the provisions of section 3351, shall be liable to a penalty of not less than one hundred nor over five hundred dollars, to be recovered in a civil action in any court of record in any county through which such road shall pass, in the name of the State of Ohio, for the benefit of the common schools of the state, to be prosecuted by the prosecuting attorney of the proper county, at the instance of the prosecuting attorney, or at the instance of the railroad commissioner, as provided by law (sec. 263, rev. st.) in other cases for the recovery of penalties and forfeitures against railroad companies, after due notice given by such railroad commissioner to the president or managing officer of such delinquent railroad company, and its neglect thereafter for a period of thirty days to comply with the provisions of said section; the prosecuting attorney to receive twenty five (25) per cent. of all fines and costs collected under the provisions of this act.

SEC. 2. That sections 3351, 3352, and 3354 of the revised statutes of Ohio be and the same are hereby repealed; and such repeal shall affect and annul all penalties accruing or

accrued, and not reduced to judgment, under said sections of the act of May 4, 1869, or any act to which said sections are amendatory: provided, that such repeal shall not affect any claim for damages resulting to any person being a passenger, by reason of the non-compliance on the part of any railroad company with the requirements of such repealed sections.

SEC. 3. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 14, 1880.

[Senate Bill No. 86.]

#### AN ACT

To amend sections 634, 635, 636, 637, 638, 642, and 650, and to repeal sections 675, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, and 693 of the revised statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That sections 634, 635, 636, 637, 638, 642, and 650 of the revised statutes of Ohio be so amended as to read as follows:

Section 634. The control and management of the state benevolent institutions, including the reform school for boys, and the girls' industrial home, shall be under a board of five trustees to each institution; the trustees shall elect one of their members as president of the board.

Section 635. Said trustees may, upon the passage of this act, be appointed as follows, to wit: one for one year, one for two years, one for three years, one for four years, and one for five years; or, if the governor deem advisable, the places of those now in office, in any institution, may be filled for the term of five years each, as the term of each expires, and, in either case, as the term of each expires, his successor shall be appointed for the term of five years.

Section 636. The trustees of all said institutions shall be appointed by the governor, by and with the advice and consent of the senate, and, except as otherwise provided by law, shall receive no compensation, but shall be entitled to receive their necessary expenses in attending the meetings of their respective boards, or in going to and from their respective institutions on official business necessarily connected therewith, which shall be paid by the disbursing officer of their respective institutions on presentation of an itemized voucher therefor, which shall be filed with the other vouchers of the institution. All vacancies in the

Control of state benevolent institutions to be under board of five trustees. 203, §634 Am. 83 v. 6.

Trustees, for what terms appointed. 203, §635 Am. 83 v. 6.

Trustees to be appointed by governor.

**Vacancies:  
how filled.**

office of trustees, whether occasioned by expiration of term, removal, or otherwise, shall be filled in the manner that the original appointment is made, and when occurring at any time before the expiration of the term of appointment, shall be for the balance of the term only.

**Trustees to  
appoint su-  
perintend-  
ents.**

Section 638. The boards of trustees shall appoint superintendents to the institutions under their charge respectively, who shall hold the office for four years, unless sooner removed by the trustees, and until their successors in office are appointed.

**Residence of  
trustees ;  
quorum.**

Section 639. Not exceeding two trustees may be residents of the county in which any institution is located. Three shall be a quorum to do business, and two may approve accounts for the payment of current expenses, salaries, and upon contracts previously entered into by the board. Each board shall appoint a secretary, who may or may not be a member of the board, whose duty it shall be to keep a record of the meetings and of the proceedings of said board, and attest the same.

**Secretary  
and his du-  
ties.**

**Governor  
may remove  
or suspend  
trustees.**

Section 642. Trustees may at any time be removed by the governor, by and with the advice and consent of the senate, and during the recess of the senate may be suspended by the governor, who shall report the same to the senate at its next session, and, if the senate so advise and consent, such trustee shall be removed, but otherwise shall be restored to his office. In case of suspension, the governor shall designate some person to perform the duties of such suspended trustee during the suspension aforesaid. The nomination by the governor, and confirmation by the senate, of a trustee to take the place of one in office, shall be held to be a sufficient removal of the trustee whose successor has been thus designated.

**Accounts  
shall be kept  
in detail, and  
monthly set-  
tlements  
made.**

Section 650. The officers named in the preceding section, except as provided in the following sections, shall keep an accurate account in detail in proper books, which shall be always open to the inspection of the superintendent and trustees, and these books shall be correctly balanced on the fifteenth day of each month, and closed at the end of the fiscal year corresponding with the fiscal year of the state. There shall be prepared and submitted for the inspection of the superintendent and trustees, on the fifteenth day of each month, an original and duplicate balance-sheet, taken from the books, which balance-sheet shall show the balance of appropriations in the state treasury, the balance of donations or bequests of money, the balance of proceeds of the rents or sale of any grant or devise of lands or personal property to be applied to the maintenance of insane persons or to the general use of the asylum, or from any source whatever; also, the balance of money belonging to the asylum in the hands of the financial officer or subject to his draft in bank, or in the hands of any person, the receipts of the current month, and to what fund each belongs.

These balance sheets shall also show a detailed statement of all receipts, of all disbursements, during the month, together with the name of each payee, and the prices paid. These shall be submitted with the balance sheet, the original bill of purchase, vouchers for the same, and receipts for all other disbursements of whatever kind, which bills of purchase, vouchers, and receipts, after being carefully folded and numbered, shall have endorsed on the back of each the signatures attached thereto, with the day, month, and year of payment. After the original and duplicate balance sheet have been endorsed by the superintendent and two of the trustees, the financial officer shall, within ten days thereafter, file the original balance sheet, with the original bills of purchase, vouchers, and receipts pertaining thereto, in the office of the board of trustees, and the duplicate thereof, with his oath endorsed thereon, that it is a full, true, and correct account of his stewardship for the preceding month, according to the best of his knowledge and belief, he shall file in the office of the auditor of state.

SEC. 2. That said original sections 634, 635, 636, 637, 638, 642, 650, 675, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 693, be and the same are hereby repealed; but trustees of said institutions and other officers in office therein, shall continue in office until their successors provided for in this act shall be appointed and qualified.

SEC. 3. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 14, 1880.

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[Amended House Bill No. 221]

#### AN ACT

To more fully secure the taxation of real and personal property in the state of Ohio, and for levying taxes thereon according to its true value.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That whenever the board of county commissioners of any county in this state, containing a city of the first grade of the first class shall have employed any person or persons to ascertain and furnish to the county auditor the facts and evidence necessary to authorize him to subject to taxation any property improperly omitted therefrom, no payment for such services shall be made to such person or persons except in accordance with the terms of the agreement between the county commissioners and such person or persons, and such payment shall be made to such person or persons only out of money

Compensation of person furnishing evidence of property omitted from duplicate in Hamilton county, how paid.



actually paid into the county treasury as taxes on such omitted property, and such compensation shall be apportioned ratably by the county auditor among all the funds entitled to share in the distribution of such taxes, including the state itself, as well as the counties, townships, cities, villages, school districts, and other organizations entitled thereto: provided, however, that such employment shall only be authorized as to any omissions occurring previous to the passage of this act.

Penalty  
where as-  
sessor or au-  
ditor willfully  
omits prop-  
erty from  
duplicate.

SEC. 2. Any assessor who shall willfully omit to return any property for taxation, or any auditor who shall willfully omit any property from the tax duplicate that is liable to taxation, or any persons conspiring to wrongfully increase the number or amount of any tax omission, shall be deemed guilty of a misdemeanor, and on conviction thereof before any court of competent jurisdiction, shall be sentenced by the said court to the same punishment provided by law for the punishment of embezzlement, and it is hereby made the duty of the prosecuting attorney of the county to enforce the provisions of this section.

SEC. 3. That this act shall be in force and take effect from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 14, 1880.

[Substitute for House Bill No. 440.]

#### AN ACT

Supplementary to section 3309 of the revised statutes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the following section be enacted as supplementary to section 3309 of the revised statutes, with sectional numbering, as follows:

Section 3309a. Any railroad company now or hereafter organized under the laws of this state, and any such company consolidated with other companies, as provided in sections 3379, 3380, 3381, and 3382 of the revised statutes, may at a meeting of its stockholders called, as provided in section 3308, in lieu of issuing preferred stock, as provided in section 3309, provide for borrowing money to locate, construct, and equip its proposed line of railway for such an amount as it may deem necessary and proper, sufficient to locate, construct, and equip said line of road, and at such rate of interest as may be agreed upon between the respective parties, not exceeding seven per cent. per annum, payable semi-annually or quarterly, as they may direct, and may

Page 206  
Sec. 3309a.  
Amended.  
78 O. L. 230.

Railroad  
company  
may in cer-  
tain cases  
borrow  
money in  
lieu of issu-  
ing preferred  
stock.

issue bonds, debentures, or promissory notes therefor, and to secure the payment thereof may pledge the entire property and net income of such company by mortgage or otherwise; said bonds, debentures, or notes may be expressed in dollars in the currency of the country where disposed of, and may be disposed of upon such terms and at such price as may be agreed upon between the respective parties, not inconsistent with the laws of this state, the proceeds of a sale of which bonds shall be applied only as now required by law.

SEC. 2. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 14, 1880.

[ House Bill No. 274. ]

#### AN ACT

To amend section six thousand one hundred and thirty-five (6135) of the revised statutes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section six thousand one hundred and thirty-five of the revised statutes be so amended as to read as follows:

Section 6135. Every such action shall be for the exclusive benefit of the wife, or husband, and children, or if there be neither of them, then of the parents and next of kin of the person whose death shall be so caused; and it shall be brought in the name of the personal representative of the deceased person; and in every action, the jury may give such damages, not exceeding in any case ten thousand dollars, as they may think proportioned to the pecuniary injury resulting from such death, to the persons respectively for whose benefit such action shall be brought; every such action shall be commenced within two years after the death of such deceased person. Such personal representative if he was appointed in this state, with the consent of the court making such appointment may at any time, before or after the commencement of a suit, settle with the decedent the amount to be paid; and the amount received by such personal representative, whether by settlement or otherwise, shall be apportioned among the beneficiaries, unless adjusted between themselves by the court making the appointment in such manner as shall be fair and equitable, having reference to the age and condition of such beneficiaries and the laws of descent and distribution of personal estates left by persons dying intestate.

Action for injury by wrongful death, by whom, and for whose benefit may be brought.

Limit of damages.

Limitation of action in such case.

Personal representative of decedent may settle case after suit is commenced.

SEC. 2. That section six thousand one hundred and thirty-five of the revised statutes aforesaid be and the same is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 13, 1880.

[Senate Bill No. 40.]

#### AN ACT

To amend section 3835 of the revised statutes of Ohio, relating to building associations.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section three thousand eight hundred and thirty-five (3835) of the revised statutes of Ohio be so amended as to read as follows:

Section 3835. So much of the earnings as may be necessary shall be set apart to defray the current expenses of the association, and a portion of the earnings, to be determined by the board of directors, shall be reserved, annually or semi-annually, for the payment of contingent losses, and the residue of such earnings shall be transferred to the credit of all members, borrowing and non-borrowing, to be paid ratably to them at such times and in such manner as the association, by its constitution and by-laws, rules and regulations in conformity with this act, may provide; and upon the cancellation of any share or shares that have been fully paid, by dues paid in and earnings credited, the association shall pay such member or members their pro rata share of such reserve fund, and at the end of each year shall make a rebate of interest on the amount of dues paid on loans awarded. Such associations shall provide in their constitutions and by-laws, rules and regulations, for the terms of membership; for the manner of subscribing shares of stock therein; for the times and amounts of payment (but the premium paid in any one year shall not exceed such proportionable part of the premium bid as one year bears to the approximate number of years which that class of loans run); for the withdrawal of non-borrowing members; for the cancellation of the sureties of borrowing members, upon demand being made by them or their legal representatives, which shall be upon the following terms, to wit: after the premium for one year shall have been paid, the borrowing member shall be permitted to adjust and pay off his loan by paying to the association an amount which, added to the dues and interest

208,53835  
Am., etc.  
83 v. 116.

Certain amount of earnings of building associations to be set apart for payment of expenses and contingent losses. Balance of earnings to be paid ratably to members.

What constitution and by-laws to contain.

Member to be permitted to pay off his loan on what terms.

already paid and earnings credited, that will aggregate the sum actually borrowed, with the legal rate of interest thereon, and a relative proportion of the premium bid for the time the loan is retained, as hereinbefore provided; and shall be permitted to reinstate their stock by paying to the association the amount actually borrowed, with interest thereon, and proportion of premium as aforesaid, together with all dues and assessments delinquent thereon. And it is hereby provided that all adjustments heretofore made in good faith between such corporation and its respective members, in accordance with its constitution and by laws, shall be valid, and binding upon them. The stock or shares of individual members or depositors of such corporation shall be considered and held as credits, and the said members and depositors, individually, shall list for taxation the number of shares held by them, and the true value thereof in money, on the day preceding the second Monday of April, in each year, and the same shall be assessed at such valuation for taxation, and taxed as other property.

Individual  
members to  
list their  
shares for  
taxation.

SEC. 2. That original section 3835 be and the same is hereby repealed.

SEC. 3. This act shall be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 15, 1880.

[Senate Bill No. 210.]

#### AN ACT

To amend section 5963 of the revised statutes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 5963 of the revised statutes be so amended as to read as follows:

SECTION 5963. If any provision be made for a widow in the will of her husband, it shall be the duty of the probate judge, forthwith after the probate of such will, to issue a citation to such widow to appear and make her election whether she will take such provision or be endowed of the lands of her said husband and take her distributive share of his personal estate; and said election shall be made within one year from the date of the service of the citation aforesaid: provided, that if a proceeding to contest the validity of any will be commenced within said year, said widow shall be entitled to make such election within three months after

Citation to  
widow to  
make her  
election of  
dower.

Page 209  
Sec. 5963.  
Amended  
77 O.L.307.

such proceedings shall have been finally disposed of sustaining such will; but she shall not be entitled to both, unless it plainly appears by the will to have been the intention that she should have such provision in addition to her dower and distributive share.

SEC. 2. That said original section 5963 be and the same is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 15, 1880.

[Senate Bill No. 103.]

#### AN ACT

To amend section 5437 of the revised statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 5437 of the revised statutes of Ohio be amended so as to read as follows:

Homestead  
for decedent's family.

Page 210  
Sec. 5437.  
Amended  
79 O.L. 107.

Section 5437. On petition of executors or administrators to sell, to pay debts, the lands of a decedent who has left a widow, and a minor child unmarried, and composing part of the decedent's family at the time of his death, the appraisers shall proceed to set apart a homestead, as provided in the next section, and the same shall remain exempt from sale on execution, and exempt from sale under any order of the court, so long as any unmarried minor child resides thereon, although the widow die; and the unmarried minor child or children of a decedent, actually residing on the family homestead, shall be entitled to hold the same exempt from sale on execution, although the parent from whom the same descended left no wife or husband surviving.

SEC. 2. That said section 5437 of the above mentioned act be and the same is hereby repealed; and this act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 15, 1880.

[Senate Bill No. 78.]

## AN ACT

To amend section 4143 of the revised statutes of Ohio, 1880.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 4143 of the revised statutes of Ohio, 1880, be so amended as to read as follows:

Section 4143. A copy of the record of a deed or other instrument of writing, duly certified by the county recorder, with his official seal affixed thereto, shall be received in all courts and places within this state as prima facie evidence of the existence of such instrument, and as conclusive evidence of the existence of such record: provided, that whenever any conveyance of real estate has been executed in which there is a mistake, defect, or omission in the description of the lands, execution, acknowledgment or otherwise, and the same has been recorded in the recorder's office of the county where the lands now are, or were situated at the time of such record, the said record, or a certified copy thereof, in any action to cure or supply such defect, mistake, or omission, or to compel the execution of a valid conveyance of such real estate may be read in evidence, and shall be prima facie evidence that such instrument was executed and existed as shown by such record.

Certified  
copy of record of instrument competent evidence, and what it proves.

SEC. 2. That said original section 4143 be and the same is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro. tem. of the Senate.*

Passed April 15, 1880.

[Senate Bill No. 225.]

## AN ACT

To amend section 8059 of the revised statutes of Ohio. (Appendix.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 8059 of the revised statutes of Ohio be amended so as to read as follows:

Section 8059. That in the case of an agreement for the purchase of said roads, between the county commissioners and the duly authorized representatives of said toll-road corporation, "provided the price for the same shall not exceed, in any case, the appraisement of any such toll-road," the commissioners shall make an order to that effect on their journal, and the proposed price to be taken by said turnpike corporation shall be binding on them for one year thereafter,

If commissioners and owners of toll-road agree on price, question of purchase to be submitted to vote.

Page 211  
Sec. 8059.  
Amended  
77 O.L.316.

and submit the question of the purchase to the voters of said county at any regular spring or fall election, giving at least ten days' notice thereof in at least two newspapers published in said county, and post printed notices of said election at each of the voting precincts in said county; and at such election the voters who are in favor of such purchase shall inscribe on their ballots, "Purchase of toll-roads, yes," and those opposed thereto, "Purchase of toll-roads, no;" and if at any such election a majority of those voting on said question are in favor of such purchase, the said commissioners may make such purchase upon the terms and conditions hereinafter provided, but not otherwise. The vote on said question shall be returned by the judges of elections to the clerk of the court of common pleas, who shall open, count, and declare the same, as in an election for county officers, and certify the same to the county commissioners. And when the commissioners of any county are authorized by the popular vote, as provided by law, to purchase any or all of the toll-roads in any county, and shall purchase any or all of such toll-roads, then that part of the national road which lies within any such county shall be and become a free road, and be kept up and maintained in the same manner as are the purchased toll-roads therein.

SEC. 2. That said original section 8059 be and the same is hereby repealed.

SEC. 3. This act shall take effect on its passage.

THOS. A COWGILL,

*Speaker of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Passed April 15, 1880.

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[Senate Bill No. 218.]

#### AN ACT

To authorize certain townships to build railroads, and to lease or operate the same.

[PLEASANT TOWNSHIP, VAN WERT COUNTY.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio.* That whenever in any township, which by the federal census of 1870 had, and which by any subsequent federal census may have, a population of twenty six hundred and twenty-nine, the township trustees thereof shall on the petition of not less than twenty-five resident tax-payers of such township, pass a resolution declaring it to be essential to the interest of such township that a line of railway shall be constructed on the line to be designated in said petition, and said railway shall be named in said resolution, and the ter-

mini thereof shall be designated therein, and not to exceed eight miles in length, it shall be lawful for a board of trustees appointed as herein provided, and they are hereby authorized to borrow as a fund for that purpose, not to exceed the sum of thirty-two thousand dollars, and to issue bonds therefor, in the name of said township, bearing interest at a rate not exceeding six per centum per annum, payable semi-annually, said bonds to be payable at such times and places, and in such sums as shall be deemed best by said board. Said bonds shall be signed and sealed by the president of said board, and attested by the clerk of such township, who shall keep a register of the same, and they shall be secured by the pledge of the faith of such township, and a tax which it shall be the duty of the trustees thereof, annually, to levy (which tax shall not exceed two and one-half mills on the dollar in any one year), to pay the interest and provide a sinking fund for the final redemption of said bonds: and provided, that no money shall be borrowed or bonds issued until after the question of providing the line of railway specified in said resolution shall be submitted to a vote of the qualified electors of such township, at a special election to be ordered by the township trustees thereof, of which not less than twenty days' notice shall be given by posting up notices at not less than five of the most public places in such township, and by publishing, for three successive weeks, such notice in a newspaper printed in the county in which such township is located, and of general circulation in such township: further provided, two thirds of said electors, voting at such election, shall decide in favor of such line of railway. The returns of said election shall be made to the clerk of said township, and by him laid before the township trustees, who shall declare the result by resolution. The bonds issued under the authority of this section shall not be sold or disposed of for less than their par value.

SEC. 2. If a majority of the votes cast at said election shall be in favor of the construction of the line of railway, as specified in the first section, it shall be the duty of the township trustees to nominate five trustees, who shall be electors and freeholders of said township, to be called the trustees of — railway (the blank to be filled with the name of the railroad as given in the aforesaid resolution), and the same nominations shall be forthwith presented to the judge of the court of common pleas presiding in said county for his approval or rejection, and in case of his rejecting any of the persons named, then other nominations shall be made in like manner until said board is filled, and when said board shall be full, the said judge shall make an order indorsing such appointment on the minutes of the court of which he is judge; he shall also designate the amount of bond to be given by the trustees, each bond to be several, and conditioned for the faithful performance of his duties as such trustee; said bond shall be signed by not less than three sureties, and shall



be approved by the clerk of said court, and be signed in duplicate, one copy to be filed with the clerk of said court and the other with the treasurer of said township. Said trustees shall, before entering upon the discharge of their duties, each take an oath of office, that they will faithfully and honestly discharge the duties of their office.

SEC. 3. The said board of trustees and their successors shall be the trustees of said fund, and shall have the control and disbursement of the same. They shall expend said fund in procuring the right to construct, and in constructing a railway, with all the proper appendages, and, if deemed necessary, a line of telegraph between the termini specified in said resolution, and for the purpose aforesaid, shall have the power and capacity to make contracts, appoint, employ, and pay officers and agents, and to acquire, hold, and possess all the necessary real and personal property and franchises. They shall also have power to receive donations of land, money, bonds, and other personal property, and to dispose of the same in aid of said fund. The said trustees shall have the right to bring, maintain, and defend all actions, and to sue and be sued, plead and be impleaded, touching the said trust and trust property in their own names as such trustees, in any of the courts of this state or elsewhere; they shall elect a treasurer, whose duty it shall be to draw from the treasurer of the county all of said trust funds upon the order of said trustees, and the said treasurer shall give bond in such sum as said trustees shall designate, which bond shall be signed by at least three sureties, and shall be approved by at least four-fifths of said trustees.

SEC. 4. The said trustees shall form a board, and shall choose one of their number president, who shall also be the acting trustee, with such powers as the board may, by resolution, from time to time, confer upon him. A majority of said trustees shall constitute a quorum, and shall hold regular meetings for the transaction of business, at their regular office in the township under whose action they are appointed, but they may adjourn, from time to time, to meet at any place they may think proper. They shall keep a record of their proceedings, and cause to be kept a full and accurate account of their disbursements, and make a report of the same to the township clerk, whenever requested to do so by a resolution of the township trustees. No money shall be drawn from said fund but upon the order of said board, except their own compensation, which shall be paid out of the same upon the recommendation of the township trustees, by resolution, duly adopted and allowed by the court appointing them.

SEC. 5. Said trustees shall have power to take such security from any officer, agent, or contractor chosen, or appointed, or employed by them as they shall deem advisable. They shall not become surety for any such officer, agent, or contractor, or be interested, directly or indirectly, in any con-

tract concerning said railway. They shall be responsible only for their own acts.

SEC. 6. Whenever the township trustees, or any one of them, of any township under whose action a board of trustees has been appointed, as herein provided, shall have reason to believe that any one or more of said trustees has failed in the faithful performance of his trust, it shall be the duty of such township trustees to apply to the then judge of the court of common pleas, by petition, alleging such misconduct, and praying that he or they be removed, and that such vacancy be ordered to be filled in the manner hereinbefore provided for, and if the said township trustees shall fail, upon the written request of not less than five resident tax-payers, or upon the request of any of the householders of said township, then, and in that case, such tax-payers or bondholders may file such petition, for like relief, in the court of common pleas of said county; and if the court, upon hearing such petition, shall adjudge in favor of such plaintiff, it shall remove such trustee or trustees, and any vacancy from this or any cause, resignation, death, or removal, shall be filled in the manner heretofore provided for.

SEC. 7. Whenever, in the construction of a line of railway, as herein provided, it shall be necessary to appropriate land for the foundation of the abutments or pier of any bridge across any stream, or for any other purpose, or to appropriate any rights or franchises, proceedings shall be commenced and conducted in accordance with the laws in force at the time for the appropriation of such private property for the use of corporations, except that the oath and verdict of the jury and judgment of the court shall be so varied as to suit the case.

SEC. 8. Whenever there shall be, between the termini designated in any resolution passed under this act, a railroad already partially constructed, or right of way acquired therefor, which can be adopted as parts of the line provided for in said resolution, the trustees of said line may purchase or lease the said railroad, or right of way, and pay for the same out of the trust fund.

SEC. 9. Whenever, in the construction of a line of railway, as herein provided, the said board of trustees shall find it necessary to use or occupy any street, alley, or other public way, space, or ground, or any part thereof of any incorporated village in said township, proceedings shall be commenced and conducted in accordance with the laws in force at the time for the appropriation of such rights or easements by street railway corporations, except that the oath and verdict of the jury and the judgment of the court shall be so varied as to suit the case.

SEC. 10. On the final completion of any line of railway, constructed under the provisions of this act, the board of trustees shall have power to lease the same to any person or persons, or company, as will conform to the conditions and

terms which shall be fixed and provided by the trustees of the township by which the line of railway is owned

SEC. 11. That the trustees of any township described in this act may, after trustees have been appointed as provided in this act, advance to said trustees, out of any funds of said township, such sum as is necessary, not exceeding five hundred dollars, for carrying the object for which they were appointed into effect; and said sum shall be repaid out of the trust fund provided for in this act, when raised.

SEC. 12. Deeds and contracts may be made, and proceedings for appropriations and actions may be commenced, either in the name of such township providing the line of railway, or in the name of the trustees of ——— railway (filling the blank with the name given to the railway in the resolution), and said proceedings may be commenced and conducted, either in the court of common pleas or probate court, as in cases of appropriation for the use of municipal corporations.

SEC. 13. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of Senate.*

Passed April 15, 1880.

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[Senate Bill No. 144.]

#### AN ACT

To amend section 5251 of the revised statutes of Ohio, relating to the demand of witness fees.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section number 5251 of the revised statutes of Ohio be amended to read as follows:

Right of witness to demand fees in advance.

Section 5251. A witness may demand his traveling fees and fee for one day's attendance when the subpoena is served upon him, and if the same be not paid, the witness shall not be obliged to obey the subpoena; and, when a witness has attended upon the court, he may in like manner demand his fees from day to day until discharged by the court. The fact of such demand and payment or non-payment shall be stated in the return by the officer; and, if the witness be not discharged on the day he is notified to appear, then the fact of payment or non-payment shall be noted by the clerk in the witness book.

SEC. 2. That section number 5251 of the revised statutes aforesaid be and the same is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
 R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 15, 1880.

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[Senate Bill No. 84.]

AN ACT

Supplementary to and amendatory of sections 2087 and 2090 of the revised statutes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That sections two thousand and eight-seven and two thousand and ninety be amended so as to read as follows:

Section 2087. Directors of a house of refuge, now in office, shall continue in office until the expiration of their respective appointments, and until their successors are chosen and qualified. The board of directors of such house of refuge may, at its discretion, receive into such institution infants under the age of sixteen years committed to their custody in either of the following modes to wit:

First—Infants committed by the mayor or police court of a municipal corporation, or any judge of a court of record, or any justice of the peace of any county in the state, on complaint and due proof by the parent, guardian, or next friend of such infant, that, by reason of incorrigible or vicious conduct, such infant has rendered his control beyond the power of such parent, guardian, or next friend, and made it manifestly requisite that, from regard to the public welfare of such infant, and for the protection of society, he should be placed under the guardianship of the board of directors of such house of refuge and correction.

Second—Infants committed by the authorities, aforesaid, when complaint and due proof have been made that such infant is a proper subject for the guardianship of the directors of such institution, in consequence of vagrancy, or of incorrigible or vicious conduct, and that from the moral depravity of the parent, guardian, or next friend, in whose custody such infant may be, such parent, guardian, or next friend is incapable, or unwilling to exercise the proper care and discipline over such incorrigible or vicious infant.

Third—Infants committed by the authorities, aforesaid, when complaint and due proof has been made that such infants are homeless, or are without a proper and suitable home, or have inadequate means of obtaining an honest living, or who are in danger of being brought up to lead idle or immoral

Directors of houses of refuge to remain in office until their successors are appointed.

Manner of receiving infants under sixteen years of age.

life, or who are abandoned by their parents, or on complaint of the mother of such infants, that their father is dead or has abandoned them, or does not provide for their support, or is an habitual drunkard, or that she is unable to properly support them.

Fourth—Every officer authorized to commit infants to the guardianship of said directors shall keep a record of their proceedings in the manner directed in this chapter, and shall furnish a transcript thereof, with the mittimus, to said board of directors. The said mittimus shall state that the infant therein named has been adjudged a proper subject to be placed under the guardianship of said directors, and the officer receiving the same shall forthwith execute it as provided hereinafter; and all officers so committing, excepting those receiving a stated salary, shall be entitled to fees as in criminal cases, payable out of the county treasury on order of the county auditor.

Fifth—The transcript of such proceedings, and the mittimus, shall be signed by such committing officer, and, together with the infant so committed, be delivered to the custody of any constable or sheriff; and such officer shall forthwith transport such infant to the institution to which it may be committed, and deliver the same, together with the said transcript and mittimus, to the officer in charge of the same, and shall take his receipt therefor; and, upon production of such receipt to the officer making such commitment, he shall indorse thereon the costs of such officer in so transporting such infant, at the same rate as allowed in similar cases; and, on presentation of such receipt so indorsed to the county auditor of the county from which such infant shall be sent, he shall at once draw his warrant upon the county treasurer of said county for the amount therein named, and such receipt shall be his authority for drawing the same; and, on presentation of such warrant to said treasurer, he shall forthwith pay the same from any funds in his possession belonging to said county.

Sixth—For the care and maintenance of all infants, other than those committed by the mayor or police court of a municipal corporation to which a house of refuge may belong, for offenses against the ordinances of such corporation, such institution shall receive compensation from the county from whence the commitment is made, which compensation shall be fixed by the board of directors of such institution; and upon presentation of a certificate of the number of infants, and amount due for the care and maintenance of the same, signed by the officer in charge of such institution, to the county auditor of the county from which such infants have been committed, he shall at once draw his warrant for the amount therein stated, to the order of such officer, and such certificate shall be his authority for so doing; and upon presentation of such warrant to the county treasurer of such

county, shall forthwith pay the same from any funds in his possession belonging to said county.

Seventh—The said board of directors may receive into such house, and under their guardianship, infants under the age of sixteen years, upon the request of their lawful guardians, without the intervention of a court; but infants so received shall be subject to all the provisions of this act as though committed by a court of record; and such board, as often as they may deem proper, may fix, demand, and receive compensation from guardians of infants committed to their care, for the care and maintenance of the same.

Section 2090. Sections two thousand and thirty-five, two thousand and thirty-six, two thousand and fifty-three, two thousand and fifty-four, two thousand and fifty-five, two thousand and fifty-six, two thousand and fifty-seven, two thousand and fifty-eight, two thousand and fifty-nine, two thousand and sixty, two thousand and sixty-one, two thousand and sixty-two, two thousand and sixty-three, two thousand and sixty-four, two thousand and sixty-five, two thousand and sixty-six, two thousand and sixty-seven, two thousand and sixty-eight, two thousand and sixty-nine, two thousand and seventy, two thousand and seventy-three, two thousand and seventy-four, two thousand and seventy-five, two thousand and seventy-six, two thousand and seventy-seven, two thousand and seventy-eight, two thousand and seventy-nine, two thousand and eighty, two thousand and eighty-one, are here made applicable to this subdivision as though here repeated.

SEC. 2. That said original sections two thousand and eighty-seven and two thousand and ninety be and the same are hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 15, 1880.

[Senate Bill 119.]

#### AN ACT

To authorize cities of the second class, which by the last federal census had a population of twelve thousand six hundred and fifty-two, to construct certain improvements therein named, and to issue bonds for the payment of the same.

[SPRINGFIELD.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the city council of any city of the second class, in this state, which by the last federal census had, or by any succeeding census shall have, a population of twelve thousand six hundred and fifty-two, shall have power, whenever

Certain sections of the revised statutes to be made applicable to houses of refuge.

Certain city authorized to make certain improvements.

Page 219  
Act supers'd.  
79 O.L.145.

they deem it expedient, to make any one or all of the improvements provided for in subdivision five, chapter four, division seven, title twelve, revised statutes of Ohio, and may make any or all of said improvements at one time or separately and at different times, as may, in the opinion of the council, be most expedient.

May issue  
bonds to pay  
for same.

SEC. 2. For the purpose of providing the means for paying the costs and expenses of making any one or all of the improvements authorized by the first section of this act, the council of such municipal corporation shall have power to issue its bonds for any amount not exceeding in the aggregate one hundred thousand dollars, which bonds may be made to run for any length of time not exceeding twenty years, and at a rate of interest not exceeding seven per cent., payable semi-annually; said bonds may be issued at such time or times, and in such amount or amounts as the progress of the work and the convenience of the corporation may require, and shall not be sold or negotiated for less than par, the proceeds thereof to be applied to the payment of the costs and expenses of such work, and to no other purpose whatever.

SEC. 3. For the purpose of more fully carrying out the provisions of this act, the council of such municipal corporation, and the clerk thereof, are not required, in the execution of the same, to be governed by section two thousand seven hundred and two of said revised statutes of Ohio.

Council to  
levy tax to  
pay principal and interest as it accrues.

SEC. 4. If any bonds of such city be issued as hereinbefore provided, it shall be the duty of the council of such municipal corporation, annually thereafter, until the same and the interest thereon shall be fully paid, to assess and levy a tax on all the taxable property of the corporation sufficient to provide for the payment of the interest accruing upon the bonds so issued, and to create a sinking fund for the payment of the principal of the bonds as they fall due: provided, that when such corporation is divided into sewer districts, the council, instead of assessing and levying such tax upon the entire taxable property of the corporation, may assess and levy the same by districts, fixing such rates for each district as the council may deem proper, or may so levy and assess any part of such tax by districts, and the residue upon the entire taxable property of the corporation; or may levy and assess such tax, or any part thereof, upon any one or more of such districts, exempting the remaining districts from such taxation. Whenever such tax is assessed and levied by districts, or upon any one or more districts, the money thereby realized from each district shall constitute a separate fund, to be applied only for sewerage in the district from which it is derived, and to no other purpose whatever.

SEC. 5. The council of such municipal corporation may pay the entire costs and expenses of any such improvement or improvements out of the corporation or district fund, as the case may be, raised as hereinbefore provided; but in no

case shall the council, either before such improvement or improvements shall have been commenced, or after the same are completed, fail to assess and collect the costs and expenses thereof, upon the property thereby specially benefited; such assessment to be in any one of the modes, and to the extent authorized by, and to be collected as provided in said subdivision five, chapter four, division seven, title twelve, of said revised statutes, except so far as the same is modified by section four of this act; and when any such special assessment has been placed upon any property, it shall, when collected, be paid into the district fund, authorized to be created by this act, of the district wherein such property is situated, or if no such fund has been provided for the district, then into the corporation fund authorized by this act to be created: provided, however, that when a fund is constituted for any sewer district, as aforesaid, such improvement or improvements may, if the council deem the same expedient, be made and paid for out of said district fund, without any of the assessments in this section provided for, upon the property in such districts specially benefited by such improvement or improvements.

Out of what fund costs to be paid.

Special assessments when collected to be paid into what fund.

SEC. 6. For the purpose of more fully carrying out the provisions of this act, the council of such municipal corporation is not required to be governed, in the execution thereof, by section two thousand six hundred and eighty-three, nor by section two thousand three hundred and seventy-five of said revised statutes; and in all proceedings in making any or all such improvements, where the same are not provided for by this act, such proceedings shall conform to the other laws of the state of Ohio applicable thereto.

SEC. 7. This act shall take effect on its passage.

THOS. A. COWGILL,

*Speaker of the House of Representatives.*

R. G. RICHARDS,

*President pro tem of the Senate.*

Passed April 15, 1880.

[House Bill No. 495]

#### AN ACT

To authorize certain villages to build railroads, and to lease or operate the same.

[PLYMOUTH.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That whenever, in any village which by the federal census of 1870 had, and which by any subsequent federal census may have, a population of seven hundred and three, the council thereof shall, on the petition of not less than twenty-five resident tax payers of such village pass a resolution de-



claring it to be essential to the interests of such village that a line of railway shall be constructed on the line to be designated in said petition, and said railway shall be named in said resolution, and the termini thereof shall be designated therein, and not to exceed five miles in length, it shall be lawful for a board of trustees, appointed as herein provided, and they are hereby authorized, to borrow as a fund for that purpose not to exceed the sum of fifty thousand dollars, and to issue bonds therefor, in the name of said village, bearing interest at a rate not exceeding six per centum payable semi-annually. Said bonds to be payable at such times and places, and in such sums as shall be deemed best by said board. Said bonds shall be signed and sealed by the president of said board, and attested by the clerk of such village, who shall keep a register of the same, and they shall be secured by a pledge of the faith of said village, and a tax which it shall be the duty of the council thereof, annually to levy (which tax shall not exceed two and one-half mills on the dollar in any one year), to pay the interest and provide a sinking fund for the final redemption of said bonds: and provided, that no money shall be borrowed or bonds issued until after the question of providing the line of railway specified in said resolution shall be submitted to a vote of the qualified electors of such village, at a special election to be ordered by the council thereof, of which not less than twenty days' notice shall be given by posting up notices at not less than five of the most public places in such village, and by publishing for three successive weeks such notice in a newspaper, printed in the county wherein such village is located and of general circulation therein: further provided, a majority of said electors, voting at such election, shall decide in favor of such line of railway. The returns of said election shall be made to the clerk, of said village, and by him laid before the council, who shall declare the result by resolution. The bonds issued under the authority of this section shall not be sold or disposed of for less than their par value.

SEC. 2. If a majority of the votes cast at said election shall be in favor of the construction of the line of railway, as specified in the first section, it shall be the duty of the council to nominate five trustees, who shall be electors and freeholders of said village to be called the trustees of \_\_\_\_\_ railway (the blank to be filled with the name of the railroad, as given in the aforesaid resolution), and the same nominations shall be forthwith presented to the judge of the court of common pleas presiding in the county, wherein said railroad is located, for his approval or rejection, and in case of his rejecting any of the persons named, then other nominations shall be made in like manner until said board is filled, and when said board shall be full the said judge shall make an order indorsing such appointment on the minutes of the court of which he is judge; he shall also designate the

amount of bond to be given by the trustees, each bond to be several and conditioned for the faithful performance of his duties as such trustee; said bond shall be signed by not less than three sureties, and shall be approved by the clerk of said court, and be signed in duplicate, one copy to be filed with the clerk of said court and the other with the treasurer of said village; said trustees shall, before entering upon the discharge of their duties, each take an oath of office that they will faithfully and honestly discharge the duties of their office.

SEC. 3. The said board of trustees and their successors shall be the trustees of said fund, and shall have the control and disbursement of the same. They shall expend said fund in procuring the right to construct and in constructing a railway, with all the proper appendages, and, if deemed necessary, a line of telegraph between the termini specified in said resolution, and for the purpose aforesaid, shall have the power and capacity to make contracts, appoint, employ, and pay officers and agents, and to acquire, hold, and possess, all the necessary real and personal property and franchises. They shall also have power to receive donations of land, money, bonds, and other personal property, and to dispose of the same in aid of said fund. The said trustees shall have the right to bring, maintain, and defend all actions, and to sue and be sued, plead and be impleaded, touching the said trust and trust property, in their own names, as such trustees, in any of the courts of this state or elsewhere; they shall elect a treasurer, whose duty it shall be to draw from the treasurer of the county all of said trust funds, upon the order of the said trustees; and the said treasurer shall give bond in such sum as said trustees shall designate, which bond shall be signed by at least three sureties, and shall be approved by at least four-fifths of said trustees.

SEC. 4. The said trustees shall form a board, and shall choose one of their number president, who shall also be the acting trustee, with such powers as the board may, by resolution, from time to time, confer upon him. A majority of said trustees shall constitute a quorum, and shall hold regular meetings for the transaction of business, at their regular office in the village, under whose action they are appointed, but they may adjourn, from time to time, to meet at any place they may think proper. They shall keep a record of their proceedings, and cause to be kept a full and accurate account of their disbursements, and make a report of the same to the village clerk, whenever requested so to do by a resolution of the village council. No money shall be drawn from said fund but upon the order of said board, except their own compensation, which shall be paid out of the same, upon the recommendation of the said council, by resolution, duly adopted and allowed by the court appointing them.

SEC. 5. Said trustees shall have power to take such

security from any officer, agent, or contractor chosen, or appointed, or employed by them as they shall deem advisable. They shall not become surety for any such officer, agent, or contractor, or be interested directly or indirectly, in any contract concerning said railway. They shall be responsible only for their own acts.

SEC. 6. Whenever any member of the council, under whose action a board of trustees has been appointed, as herein provided, shall have reason to believe that any one or more of said trustees has failed in the faithful performance of his trust, it shall be the duty of such council to apply to the then judge of the court of common pleas, by petition, alleging such misconduct, and praying that he or they be removed, and that such vacancy be ordered to be filled in the manner heretofore provided for; and if the said council shall fail, upon the written request of not less than five resident tax-payers or upon the request of any of the house holders of said village, then in that case such tax payers or bondholders may file such petition, for like relief, in the court of common pleas of said county; and if the court, upon hearing said petition, shall adjudge in favor of such plaintiff, it shall remove such trustee or trustees; and any vacancy, from this or any cause, resignation, death, or removal, shall be filled in the manner heretofore provided for.

SEC. 7. Whenever, in the construction of a line of railway, as herein provided, it shall be necessary to appropriate land for the foundation of the abutments or pier of any bridge across any stream, or for any other purpose, or to appropriate any rights or franchises, proceedings shall be commenced and conducted in accordance with the laws in force at the time for the appropriation of such private property for the use of corporations, except that the oath and verdict of the jury, and judgment of the court, shall be so varied as to suit the case.

SEC. 8. Whenever there shall be, between the termini designated in any resolution passed under this act, a railroad already partially constructed, or right of way acquired therefor, which can be adopted as parts of the line provided for in said resolution, the trustees of said line may purchase or lease the said railroad, or right of way, and pay for the same out of the trust fund.

SEC. 9. Whenever, in the construction of a line of railway, as herein provided, the said board of trustees shall find it necessary to use or occupy any street, alley, or other public way, space, or ground, or any part thereof of any incorporated village, proceedings shall be commenced and conducted in accordance with the laws in force at the time for the appropriation of such rights or easements by street railway corporations, except that the oath and verdict of the jury and the judgment of the court shall be so varied as to suit the case.

SEC. 10. On the final completion of any line of railway, constructed under the provisions of this act, the board of

trustees shall have power to lease the same to any person or persons, or company, as will conform to the terms and conditions which shall be fixed and provided by the council of said village by which the line of railway is owned.

SEC. 11. That the council of any village described in this act may, after trustees have been appointed as provided in this act, advance to said trustees, out of any funds of said village, such sum as is necessary, not exceeding five hundred dollars, for carrying the object for which they were appointed into effect, and said sum shall be repaid out of the trust fund provided for in this act when raised.

SEC. 12. Deeds and contracts may be made, and proceedings for appropriations and actions may be commenced, either in the name of such village providing the line of railway, or in the name of the trustees of ——— railway (filling the blank with the name given to the railway in the resolution), and said proceedings may be commenced and conducted, either in the court of common pleas or probate court, as in cases of appropriation for the use of municipal corporations.

SEC. 13. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 15, 1880.

[House Bill No. 218.]

#### AN ACT

Making an appropriation to rebuild locks on and to repair that portion of the Miami and Erie canal between Junction in Paulding county and the state line of Indiana.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the sum of ten thousand dollars be and the same is hereby appropriated out of the receipts arising from tolls and water rents of the public works, not otherwise appropriated, for the purpose of rebuilding the locks and making other necessary repairs required to put that portion of the Miami and Erie canal, from Junction in Paulding county to the state line of Indiana, in good order for navigation; provided, however, that before any portion of said appropriation shall be used for the purposes specified in this section, the board of public works shall require the owners of the Wabash and Erie canal, from the state line, westward, in the state of Indiana, to enter into a good and sufficient bond, or other guarantee, in the sum of ten thousand dollars, which bond or other guarantee shall be to the satisfaction of the attorney-general and board of public works; that they

Page 225  
Act.  
Repealed.  
78 O.L.129.

will keep said canal in the state of Indiana in good navigable condition, and will continue to furnish an uninterrupted supply of water to the branch of the Miami and Erie canal so long as they or their successors shall continue to hold possession of said Wabash and Erie canal, unless by reason of drouth or other unforeseen casualty they are unable to do so.

SEC. 2. The money hereby appropriated shall be expended by and under the direction of the board of public works.

SEC. 3. This act shall take effect and be in force from and after its passage

THOS. A. COWGILL,

*Speaker of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Passed April 15, 1880.

[House Bill No. 493.]

AN ACT

Making appropriation for rebuilding a work shop at the Penitentiary.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That there be and is hereby appropriated of any money in the treasury, to the credit of the general revenue fund, and not otherwise appropriated, the sum of five thousand dollars for rebuilding the workshop of the penitentiary, burned on the 4th inst.

SEC. 2. This act shall be in force from and after its passage.

THOS. A. COWGILL,

*Speaker of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Passed April 15, 1880.

[Senate Bill No. 111.]

AN ACT

To amend section 2856 and to repeal section 2857 of the revised statutes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 2856 of the act passed June 20, 1879, entitled "an act to revise and consolidate the general statutes of Ohio," be so amended as to read as follows:

Section 2856. The treasurer shall forthwith proceed to

collect the taxes and penalty on said duplicate by any of the means provided by law, and for his services he shall be allowed five per centum on the amount collected, which shall be allowed to him out of the same on his next semi-annual settlement, when said duplicate shall be settled and the balance of the funds collected distributed in proper proportions to the appropriate funds.

SEC. 2. That said sections 2856 and 2857 of the above mentioned act be and the same are hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,

*Speaker of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Passed April 15, 1880.

County treasurer to collect taxes and penalty on duplicate — his percentage therefor.

[House Bill No. 464.]

#### AN ACT

To amend section 8448 of the revised statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 8448 of the revised statutes be so amended as to read as follows:

Section 8448. Sec. X. It shall be the duty of the board of trustees, in connection with the faculty of the university, to provide for the teaching of such branches of learning as are related to agriculture and the mechanic arts, mines, and mine engineering, and military tactics, and such other scientific and classic studies as the resources of the fund will permit.

Branches prescribed at Ohio state university.

SEC. 2. Said original section 8448 is hereby repealed, and this act shall take effect on its passage.

THOS. A. COWGILL,

*Speaker of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Passed April 15, 1880.

[Senate Bill No. 167.]

#### AN ACT

To amend sections 655 and 656 of the revised statutes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That sections 655 and 656 of the revised statutes of Ohio be so amended as to read as follows:

Section 655. The governor shall appoint six persons, not more than three of whom shall be from the same political party, who shall constitute a board of state charities, to

Appointment of board of state charities.

Terms of  
members.

Vacancies—  
how filled,  
etc.

Powers and  
duties of  
board.

Governor  
may order  
investiga-  
tion by  
board.

serve without compensation; two of whom, as indicated by the governor, upon the first appointment, shall serve for one year, two for two years, and two for three years; and, upon the expiration of the term of each, his place, and that of his successor, shall, in like manner, be filled for the term of three years. The governor shall be, ex officio, a member of said board, and the president thereof. Appointments to fill vacancies caused by death, resignation, or removal before the expiration of such terms may be made for the residue of terms in the same manner as original appointments.

Section 656. That the board of state charities shall be provided with a suitable room in the state house. Regular meetings of the board shall be held quarterly, or oftener, if required. They may make such rules and orders for the regulation of their own proceedings as they may deem necessary. They shall investigate the whole system of public charities and correctional institutions of the state, examine into the condition and management thereof, especially of prisons, jails, infirmaries, public hospitals, and asylums; and the officers in charge of all such institutions shall furnish to the board, on their request, such information and statistics as they may require; and, to secure accuracy, uniformity, and completeness in such statistics, the board may prescribe such forms of report and registration as they may deem essential; and all plans for new jails and infirmaries shall, before the adoption of the same by the county authorities, be submitted to said board for suggestion and criticism. The governor, in his discretion, may, at any time, order an investigation by the board, or by a committee of its members, of the management of any penal, reformatory, or charitable institution of the state; and said board or committee, in making any such investigation, shall have power to send for persons and papers, and to administer oaths and affirmations; and the report of such investigation, with the testimony, shall be made to the governor, and shall be submitted by him, with his suggestions, to the general assembly.

SEC. 2. Said original sections 655 and 656 be and the same are hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of Senate.*

Passed April 15, 1880.

[House Bill No. 485.]

## AN ACT

To authorize certain villages to purchase certain real estate for railroad purposes, to construct machine shops, and to issue bonds therefor, and to authorize additional taxation to meet the principal and interest of said bonds.

[DOVER.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of any municipal corporation which by the last federal census had, and those which hereafter on the first day of June, in any year, as ascertained by any federal census, may have a population of fifteen hundred and ninety three (1593), is hereby authorized to contract for and construct machine shops, and purchase real estate therefor, and other purposes connected with operating a railway in said municipal corporation, and to pay for the same not exceeding fifty thousand dollars (\$50,000).

SEC. 2. That any such council of said municipal corporation to provide the money for the payment of such real estate, and for the construction of such machine shops, is hereby authorized to issue the bonds of said municipal corporation, payable in twenty years, or less, bearing interest at the rate of six per cent., payable semi-annually, and to provide for the payment of said bonds and the interest thereon as herein provided.

SEC. 3. That any such municipal corporation is hereby authorized and required, for the purpose of paying the interest and principal of said bonds, to levy on the taxable property of said municipal corporation annually, a tax not exceeding eight mills on the dollar of such taxable property, in addition to the tax authorized by law, to be levied by such municipal corporation, and said tax so levied shall be applied to no other purpose than the payment of the interest and principal of said bonds: provided, that if more money shall be raised in any one year than is required to pay the amount due on said bonds for that year, the balance shall be set aside and constitute a sinking fund, to be applied to the principal of said bonds, whenever the amount of said fund shall equal the sum due on one or more of said bonds.

SEC. 4. That such municipal corporation is hereby authorized to grant or lease the property so purchased, or part thereof, and the machine shops so constructed, or part thereof, to one or more railway companies, for railway purposes upon such terms and conditions as may be agreed upon between such municipal corporation council, and such company or companies.

SEC. 5. That before such purchase is made, bonds issued, or any of the powers herein conferred shall be exercised, such municipal corporation council shall submit the question of the exercise of such powers to the qualified electors of such municipal corporation, at any general or special election, to



be called by said municipal corporation council, by publishing the same in two of the papers published in said municipal corporation, at least ten days before the day of such election, calling attention to the time and place at which said election will be held, and the object and purpose thereof; the ballots to be voted at such election shall have written or printed thereon the words, "Machine shops, yes;" "Machine shops, no." That the poll-books and tally-sheets of such election shall be forthwith, after the close of said election, returned to the clerk of such municipal corporation, and the said municipal corporation council shall, at its next regular meeting thereafter, provide for the canvassing of said returns, and shall cause the results to be entered upon the journal of said council and proceeding of that meeting, and if it shall appear that two thirds of the electors voting at said election have not voted in favor of said proposition, said council shall not exercise any of the powers in this act conferred and authorized.

SEC. 6. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 15, 1880.

[House Bill No. 343.]

#### AN ACT

To provide compensation for members, county, city, and state boards of equalization, for equalization of appraisement of real estate appraised in 1880.

Compensation of decennial county and city boards of equalization.

Page 230  
Sec. 1.  
Amended.  
78 O.L. 162, 162.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That each member of any decennial county or city board of equalization, for the equalization of real property as appraised by district assessors, in the year 1880, including the county auditor, shall be entitled to receive for each day necessarily employed in the performance of his duties the sum of three dollars, to be paid out of the county treasury after the same has been allowed by the board of county commissioners.

Per diem and mileage of members of state board of equalization.

Page 230  
Sec. 2.  
Amended.  
78 O.L. 162-3.

SEC. 2. That each member of the state board of equalization, excepting auditor of state, for the equalization of real property of the state, as returned to the state auditor by the several county auditors of the state, shall be entitled to receive for each day necessarily employed in the performance of his duties, the sum of five dollars, also twelve cents per mile, each way, for traveling from and to his place of residence, by the most direct route of public travel, to and from the seat of government; the same to be paid out of the general reve-

nue fund of the state, the same having been certified to the auditor of state by the president of the board.

SEC. 3. This act to take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 15, 1880.

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[Senate Bill No. 227.]

AN ACT

To authorize certain townships to build railroads and to lease or operate the same.

[LONDONDERRY, MADISON, AND RICHLAND TOWNSHIPS, GUERNSEY COUNTY.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That whenever in any township, which by the federal census of 1870 had, and which by any subsequent federal census may have, a population of thirteen hundred and thirteen (1313), fourteen hundred and four (1404), or eleven hundred and seventy (1170), the township trustees thereof shall, by a resolution passed by a majority of the members elected thereto, declare it to be essential to the interest of such township that a line of railway, to be named in said resolution, should be provided between termini designated therein in the said township, not exceeding seven miles in length, it shall be lawful for a board of trustees appointed as herein provided, and they are hereby authorized to borrow as a fund for that purpose, not to exceed the sum of thirty thousand dollars, and to issue bonds therefor, in the name of said township, bearing interest at a rate not exceeding six per centum per annum, payable semi-annually. Said bonds to be payable at such time and places, and in such sums as shall be deemed best by said board. Said bonds shall be signed and sealed by the president of said board, and attested by the clerk of such township, who shall keep a register of the same, and they shall be secured by a mortgage on the line of railway and by the pledge of the faith of such township, and a tax which it shall be the duty of the trustees thereof, annually, to levy (which tax shall not exceed five mills on the dollar in any one year), to pay interest and provide a sinking fund for the final redemption of said bonds: provided, that such township shall not in any one year levy taxes to a greater amount than twenty (20) mills on the dollar, including the levy for said bonds: and, provided, that no money shall be borrowed on bonds issued until after the question of providing the line of railway specified in

said resolution shall be submitted to a vote of the qualified electors of such township, at a special election to be ordered by the township trustees thereof, of which not less than twenty days' notice shall be given by posting up notices at not less than five of the most public places in each of the villages in such township, and by publishing, for three successive weeks, such notice in a newspaper, printed in the county wherein such township is located and of general circulation in such township: further provided, a majority of said electors, voting at such election, shall decide in favor of such line of railway. The returns of said election shall be made to the clerk of said township, and by him laid before the township trustees, who shall declare the result by resolution. The bonds issued under the authority of this section shall not be sold or disposed of for less than their par value.

SEC. 2. If a majority of the votes cast at said election shall be in favor of providing the line of railway, as specified in the first section, it shall be the duty of the township clerk, forthwith, to file a petition in the court of common pleas of the county in which such township is located, praying that the judge thereof will appoint five trustees, who shall be electors and freeholders of said township, to be called the trustees of \_\_\_\_\_ railway (the blank to be filled with the name of the railway, as given in the resolution), and it shall be the duty of said judge to make the appointment, and enter the same upon the minutes or journal of the court. They shall enter into bond to the township in such sum as the court may direct, with one or more sufficient sureties, to be approved by the court, conditioned for the faithful discharge of their duties. The bond so taken shall be deposited with the township treasurer for safe keeping.

SEC. 3. The said board of trustees and their successors shall be the trustees of said fund, and shall have the control and disbursement of the same. They shall expend said fund in procuring the right to construct, and in constructing a railway, with all the proper appendages, and, if deemed necessary, a line of telegraph between the termini specified in said resolution, and for the purpose aforesaid, shall have the power and capacity to make contracts, appoint, employ, and pay officers and agents, and to acquire, hold, and possess all the necessary real and personal property and franchises. They shall also have power to receive donations of land, money, bonds, and other personal property, and to dispose of the same in aid of said fund.

SEC. 4. The said trustees shall form a board, and shall choose one of their number president, who shall also be the acting trustee, with such powers as the board may, by resolutions, from time to time, confer upon him. A majority of said trustees shall constitute a quorum, and shall hold regular meetings for the transaction of business, at their regular office in the township under whose action they are appointed, but they may adjourn, from time to time, to meet

at any place they may think proper. They shall keep a record of their proceedings, and cause to be kept a full and accurate account of their disbursements, and make a report of the same to the township clerk, whenever requested so to do by a resolution of the township trustees. No money shall be drawn from said fund but upon the order of said board, except their own compensation which shall be paid out of the same upon the recommendation of the township trustees, by resolution, duly adopted and allowed by the court appointing them.

SEC. 5. Said trustees shall have power to take such security from any officer, agent, or contractor chosen, or appointed, or employed by them as they shall deem advisable. They shall not become surety for any such officer, agent, or contractor, or be interested, directly or indirectly, in any contract concerning said railway. They shall be responsible only for their own acts.

SEC. 6. Whenever the township trustees, or any one of them of any township under whose action a board of trustees has been appointed, as herein provided, shall have reason to believe that any one of the latter has failed in the faithful performance of his trust, it shall be the duty of such township trustees to apply to the court that appointed said board of trustees, by petition, praying that one be removed and another be appointed in his place, and if the said township trustees shall fail to make application after request of any of the holders of the bonds issued by said board of trustees, or by a tax-payer of such township, such bondholder or tax-payer may file a petition in his own name, on the behalf of the holders of such bonds, for like relief, in any court having jurisdiction; and if the court hearing the action shall adjudge in favor of the plaintiff, such court shall remove such trustee and appoint another in his stead; and when a vacancy shall occur in said board from any other cause, it shall be filled upon like petition and in like manner.

SEC. 7. Whenever, in the construction of a line of railway, as herein provided, it shall be necessary to appropriate land for the foundation of the abutments or pier of any bridge across any stream, or for any other purpose, or to appropriate any rights or franchises, proceedings shall be commenced and conducted in accordance with the laws in force at the time for the appropriation of such private property for the use of corporations, except that the oath and verdict of the jury and judgment of the court shall be varied as to suit the case.

SEC. 8. Whenever there shall be, between the termini designated in any resolution passed under this act, a railroad already partially constructed, or rights of way acquired therefor, which can be adopted as parts of the line provided for in said resolution, the trustees of said line may purchase or lease the said railroad, or right of way, and pay for the same out of the trust fund.

SEC. 9. Whenever, in the construction of a line of railway, as herein provided, the said board of trustees shall find it necessary to use or occupy any street, alley, or other public way, space, or ground, or any part thereof of any incorporated village in said township, proceedings shall be commenced and conducted in accordance with the laws in force at the time for the appropriation of such rights or easements by street railway corporations, except that the oath and verdict of the jury and the judgment of the court shall be so varied as to suit the case.

SEC. 10. On the final completion of any line of railway, constructed under the provisions of this act, the board of trustees shall have power to lease the same to any person, or persons, or company, as will conform to the terms and conditions which shall be fixed and provided by the trustees of the township by which the line of railway is owned.

SEC. 11. That the trustees of any township described in this act may, after trustees have been appointed, as provided in this act, advance to said trustees, out of any funds of said township, such sum as is necessary, not exceeding five hundred dollars, for carrying the object for which they were appointed into effect, and said sum shall be repaid out of the trust fund provided for in this act when raised.

SEC. 12. Deeds and contracts may be made, and proceedings for appropriations and actions may be commenced, either in the name of such township providing the line of railway, or in the name of the trustees of \_\_\_\_\_ railway (filling the blank with the name given to the railway in the resolution), and said proceedings may be commenced and conducted, either in the court of common pleas or probate court, as in cases of appropriation for the use of municipal corporations.

SEC. 13. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of Senate.*

Passed April 15, 1880.

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[Senate Bill No. 223]

AN ACT

To authorize certain townships to build railroads, and to lease or operate the same.

[JEFFERSON TOWNSHIP, BROWN COUNTY.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That whenever in any township which by the federal census of 1870 had, and which by any subsequent

federal census may have, a population of twelve hundred and sixty-seven the township trustees thereof shall, on the petition of not less than twenty-five resident tax-payers of such township, pass a resolution declaring it to be essential to the interest of such township that a line of railway shall be constructed on the line to be designated in said petition, and said railway shall be named in said resolution, and the termini thereof shall be designated therein, and not to exceed seven miles in length, it shall be lawful for a board of trustees appointed as herein provided, and they are hereby authorized to borrow as a fund for that purpose, not to exceed the sum of twenty thousand dollars, and to issue bonds therefor, in the name of said township, bearing interest at a rate not exceeding six per centum, payable semi-annually. Said bonds to be payable at such times and places, and in such sums as shall be deemed best by said board. Said bonds shall be signed and sealed by the president of said board, and attested by the clerk of such township, who shall keep a register of the same, and they shall be secured by a pledge of the faith of such township, and a tax which it shall be the duty of the trustees thereof, annually, to levy (which tax shall not exceed three mills on the dollar in any one year), to pay the interest and provide a sinking fund for the final redemption of said bonds: and provided, that no money shall be borrowed or bonds issued until after the question of providing the line of railway specified in said resolution shall be submitted to a vote of the qualified electors of such township, at a special election to be ordered by the township trustees thereof, of which not less than twenty days' notice shall be given by posting up notices at not less than five of the most public places in such township, and by publishing for three successive weeks such notice in a newspaper printed in the county wherein such township is located, and of general circulation in such township: further provided, a majority of said electors voting at such election shall decide in favor of such line of railway. The returns of said election shall be made to the clerk of said township, and by him laid before the township trustees, who shall declare the result by resolution. The bonds issued under the authority of this section shall not be sold or disposed of for less than their par value.

SEC. 2. If a majority of the votes cast at said election shall be in favor of the construction of the line of railway, as specified in the first section, it shall be the duty of the township trustees to nominate five trustees, who shall be electors and freeholders of said township, to be called the trustees of ——— railway (the blank to be filled with the name of the railroad, as given in the aforesaid resolution), and the same nominations shall be forthwith presented to the judge of the court of common pleas, presiding in said county, for his approval or rejection, and in case of his rejecting any of the persons named, then other nominations shall

be made in like manner until said board is filled, and when said board shall be full the said judge shall make an order indorsing such appointment on the minutes of the court of which he is judge; he shall also designate the amount of bond to be given by the trustees, each bond to be several and conditioned for the faithful performance of his duties as such trustee; said bond shall be signed by not less than three sureties and be approved by the clerk of said court, and shall be signed in duplicates, one copy to be filed with the clerk of said court and the other with the treasurer of said township; said trustees shall, before entering upon the discharge of their duties, each take an oath of office that they will faithfully and honestly discharge the duties of their office.

SEC. 3. The said board of trustees and their successors shall be the trustees of said fund, and shall have the control and disbursement of the same. They shall expend said fund in procuring the right to construct, and in constructing a railroad, with all the proper appendages, and, if deemed necessary, a line of telegraph between the termini specified in said resolution; and for the purposes aforesaid, shall have the power and capacity to make contracts, appoint, employ, and pay officers and agents, and to acquire, hold, and possess all the necessary real and personal property and franchises. They shall also have power to receive donations of land, money, bonds, and other personal property, and to dispose of the same in aid of said fund. The said trustees shall have the right to bring, maintain, and defend all actions, and to sue and be sued, plead and be impleaded touching the said trust and trust property, in their own names, as such trustees, in any of the courts of this state or elsewhere; they shall elect a treasurer, whose duty it shall be to draw from the treasurer of the county all of said trust funds, upon the order of the said trustees; and the said treasurer shall give bond in such sum as said trustees shall designate, which bond shall be signed by at least three sureties, and shall be approved by at least four-fifths of said trustees.

SEC. 4. The said trustees shall form a board, and choose one of their number president, who shall also be the acting trustee, with such power as the board may, by resolution, from time to time, confer upon him. A majority of said trustees shall constitute a quorum, and shall hold regular meetings for the transaction of business, at their regular office in the township under whose action they are appointed, but they may adjourn, from time to time, to meet at any place they may think proper. They shall keep a record of their proceedings, and cause to be kept a full and accurate account of their disbursements, and make a report of the same to the township clerk, whenever requested so to do by a resolution of the township trustees. No money shall be drawn from said fund but upon the order of said board,

except their own compensation, which shall be paid out of the same upon the recommendation of the township trustees, by resolution, duly adopted and allowed by the court appointing them.

SEC. 5. Said trustees shall have power to take such security from any officer, agent, or contractor chosen, or appointed, or employed by them as they shall deem advisable. They shall not become surety for any such officer, agent, or contractor, or be interested, directly or indirectly, in any contract concerning said railway. They shall be responsible only for their own acts.

SEC. 6. Whenever the township trustees, or any one of them, of any township under whose action a board of trustees has been appointed, as herein provided, shall have reason to believe that any one or more of said trustees has failed in the faithful performance of his trust, it shall be the duty of such township trustees to apply to the then judge of the court of common pleas, by petition, alleging such misconduct and praying that he or they be removed and that such vacancy be ordered to be filled in the manner heretofore provided for; and if the said township trustees shall fail, upon the written request of not less than five resident taxpayers, or upon the request of any of the householders of said township, then in that case such tax-payers or bondholders may file such petition, for like relief, in the court of common pleas of said county; and if the court, upon hearing said petition, shall adjudge in favor of such plaintiff, it shall remove such trustee or trustees; and any vacancy, from this or any cause, resignation, death, or removal, shall be filled in the manner heretofore provided for.

SEC. 7. Whenever in the construction of a line of railway, as herein provided, it shall be necessary to appropriate land for the foundation of the abutments or pier of any bridge across any stream, or for any other purpose, or to appropriate any rights or franchises, proceedings shall be commenced and conducted in accordance with the laws in force at the time for the appropriation of such private property for the use of corporations, except that the oath and verdict of the jury and judgment of the court shall be so varied as to suit the case.

SEC. 8. Whenever there shall be, between the termini designated in any resolution passed under this act, a railroad already partially constructed, or rights of way acquired therefor, which can be adopted as parts of the line provided for in said resolution, the trustees of said line may purchase or lease the said railroad or right of way, and pay for the same out of the trust fund.

SEC. 9. Whenever, in the construction of a line of railway, as herein provided, the said board of trustees shall find it necessary to use or occupy any street, alley, or other public way, space, or ground, or any part thereof of any incorporated village in said township, proceedings shall be com-



menced and conducted in accordance with the laws in force at the time for the appropriation of such rights or easements by street railway corporations, except that the oath and verdict of the jury and the judgment of the court shall be so varied as to suit the case.

SEC. 10. On the final completion of any line of railway, constructed under the provisions of this act, the board of trustees shall have power to lease the same to any person or persons, or company, as will conform to the terms and conditions which shall be fixed and provided by the trustees of the township by which the line of railway is owned.

SEC. 11. Deeds and contracts may be made, and proceedings for appropriations and actions may be commenced, either in the name of such township providing the line of railway, or in the name of the trustees of \_\_\_\_\_ railway (filling the blank with the name given to the railway in the resolution), and said proceedings may be commenced and conducted, either in the court of common pleas or probate court, as in cases of appropriation for the use of municipal corporations.

SEC. 12. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 15, 1880.

[Senate Bill No. 231.]

#### AN ACT

To amend sections 475 and 481 of the revised statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That sections 475 and 481 of the revised statutes of Ohio, be so amended as to read as follows:

Section. 475. The judges of the courts of common pleas in all counties in this state containing cities of thirty thousand inhabitants, or over, by the last federal census, shall appoint two stenographic reporters, skilled in their profession, to be official stenographers of such courts, and in all other counties, when, in the opinion of the court, the business requires one, who shall hold their office for the term of three years from the date of their appointment, and until their successors are appointed and qualified, unless they, or either of them be removed by the judges for neglect of duty, misconduct, or incompetency, and where there now is, or hereafter may be, a superior court in such county, the judges of such courts, and of the court of common pleas in such county, shall jointly make the appointments herein provided for. Such official stenographers shall take an oath that they will

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§475 Am.  
85 v. 212.

In certain  
counties  
stenographic  
reporters  
shall be  
appointed.

Their oath.

faithfully discharge the duties of their office, but in counties not having cities of thirty thousand inhabitants, or more, the per diem of such stenographers shall not exceed seven dollars, no part of which shall be paid out of the county treasury, except in criminal cases, but shall be taxed as other costs. And whenever in any county, the services of one or more additional stenographers are necessary, the judges of the courts shall appoint assistant stenographers, who shall also be skilled in their profession, take a like oath, serve for such time as their services may be required by the court, and be paid at the same rate and in the same manner as the other official stenographers: provided, that the assistant stenographers shall not be required to keep offices in the court-house, but shall file their reports in the office of the official stenographer, or in the office of the clerk of the court, as directed by the court.

Judges may  
appoint as-  
sistantstene-  
graphers.

Section 481. Stenographers appointed under the provisions of this chapter shall have their office in the court house of the county where they are appointed, and may be appointed referees to take and report proof in causes pending in the courts, and have power to swear witnesses, and take and certify depositions in any of the courts in this state.

To have  
their office  
in court-  
house.

Sec. 2. That original sections 475 and 481 be and the same are hereby repealed, and this act shall take effect from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 15, 1880.

[House Bill No. 463.]

#### AN ACT

To amend section 4842 of the revised statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 4842 of the revised statutes of Ohio be amended to read as follows:

Page 239  
Sec. 4842.  
See  
81 O. L. 45, 47.

Section 4842. The commissioners, when any such improvement is ordered, shall immediately appoint three disinterested freeholders of the county, who shall, upon actual view of the premises, apportion the estimated expense thereof upon the real property embraced in the order, according to the benefit to be derived therefrom, and report the same to the county auditor; and in making such apportionment, they shall take into consideration all previous special assessments, or special taxes made upon such real property, for the improvement of any road, and any benefit which will accrue to any land by reason of drainage resulting from the

Commission-  
ers to appor-  
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turnpikes.

making of the improvement; and if any of the lands to be assessed are subject to a life estate, the assessment made thereon shall be apportioned between the owner of the life estate and the owner of the fee, in proportion to the relative value of their respective estates, such proportion to be ascertained upon the principles applicable to life annuities.

SEC. 2. That section 4842 of the revised statutes be and the same is hereby repealed.

SEC. 3. This act shall be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 15, 1880.

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[Senate Bill No. 70.]

AN ACT

To amend section eleven hundred and fifty-five (1155) of the revised statutes of 1880, relating to county recorders keeping up general indexes, and providing the same to be paid from the county treasury.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section eleven hundred and fifty-five (1155) of the revised statutes of 1880 be so amended as to read as follows:

County recorder to keep up general indexes.

Section 1155. When general indexes, such as are described in the next preceding section, or any other indexes authorized by the county commissioners, are brought up and completed, the recorder shall keep up the same; and he shall receive for indexing any lot or parcel of land, ten cents, to be paid out of the county treasury.

SEC. 2. That section eleven hundred and fifty-five of the revised statutes of 1880, aforesaid, be and the same is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 15, 1880.

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[Senate Bill 172.]

AN ACT

Supplementary to chapter 3, title 3, part 1, of the revised statutes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the following section be enacted as supplement-

ary to chapter 3, title 3, part 1, of the revised statutes, with sectional numbering as follows:

Section 181a. That all money paid into the state treasury, the disposition of which is not otherwise provided for by law, shall be credited by the auditor of state to the general revenue fund; and when it is discovered that a warrant for the payment of money from the state treasury has been illegally or improperly issued by the auditor of state, or that the amount of a warrant issued by him for the payment of money from the state treasury exceeds the sum which should have been named therein, and payment of such warrant or excess has been made by the treasurer of state, the auditor shall cause the amount of such warrant or excess to be collected and returned to the state treasury without delay; and, unless the account of the appropriation from which the same was paid has been closed, in accordance with section one hundred and seventy-six of said act, or in pursuance of the constitution, shall credit the same to such appropriation; but if such account has been so closed, the auditor shall credit the amount so returned to the treasury to the general revenue fund.

Auditor of state to correct illegal warrants issued.

Sec. 2. This act shall take effect on its passage.

THOS. A. COWGILL,

*Speaker of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Passed April 15, 1880.

[Senate Bill No 204.]

#### AN ACT

To provide for the appropriation of private property for certain public purposes, and to provide the means of paying therefor.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That cities of the first grade of the first class, having a city infirmary without the corporate limits, are hereby authorized to enter upon, appropriate, and take private property, lying outside of the corporate limits, adjacent to such infirmary, for the purpose of constructing a sewer or drain from such infirmary to a stream of water known as Mill creek, to be used for conducting the sewerage thereof to said stream, and the proceedings for that purpose shall be conducted as provided in title 12, division 7, chapter 3, of the revised statutes, so far as applicable; and should it be deemed advisable by such cities to occupy the streets of any city or village for constructing such sewer or drain, they shall have the right to do so without compensation.

City infirmary of Cincinnati authorized to appropriate certain property to construct sewers.

Sec. 2. The council of such cities shall have authority, after the verdict of the jury in such proceedings, to issue the

bonds of the same, in amount not to exceed ten thousand (\$10,000 00), bearing interest at not to exceed five per centum, redeemable in ten or fifteen years, at the option of the city, which shall be sold at not less than their par value, if the same be deemed necessary, to pay for the right to construct and maintain a sewer and drain, together with the cost of such construction, as provided in section one hereof: provided, this act be not construed to allow the increase of taxation of such cities.

SEC. 3. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 15, 1880.

[Amended House Bill No. 382.]

#### AN ACT

Making appropriations for the last three-quarters of the fiscal year ending November 15, 1880, and the first quarter of the fiscal year ending February 15, 1881.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That there be and is hereby appropriated out of any money in the treasury to the credit of the general revenue fund, and not otherwise appropriated, the following sums, for the purpose herein named, to wit:

#### *For State Board of Agriculture:*

For the encouragement of agriculture, three thousand dollars (\$3,000 00).

Con ingent expenses of the office of the board of agriculture, five hundred dollars (\$500 00).

Carpet for office, one hundred and thirty two dollars and fifty cents (\$132.50).

Said appropriations to be paid upon vouchers approved by the auditor and filed in his office.

#### *Horticulture:*

For the encouragement of horticulture, to be paid to the president of the state horticultural society on vouchers to be approved by the auditor of state and filed in his office, five hundred dollars (\$500 00).

#### *For Adjutant-General's Office:*

Salary for clerk, fourteen hundred dollars (\$1,400 00).

Salary of two transcribing clerks of soldiers' record, two thousand four hundred dollars (\$2,400.00); also, for two ad-

ditional transcribing clerks, if, in the opinion of the adjutant-general, the same can be profitably employed, two thousand dollars (\$2,000.00).

Salary of superintendent of arsenal and ordinance clerk, nine hundred dollars (\$900.00); and for additional labor in keeping the record and accounts of the Ohio national guard, and the books and accounts of the adjutant-general's department, three hundred dollars (\$300.00).

Contingent expenses, including inspections, fourteen hundred dollars (\$1,400.00); and for transportation of indigent soldiers to soldiers' home, one hundred and fifty dollars (\$150.00).

Desk furniture, and letter case, two hundred and fifty dollars (\$250.00).

For carpet bought in 1879, two hundred and eighty-five dollars and eighty-four cents (\$285.84).

#### *State House and Grounds:*

Compensation of superintendent of laborers, nine hundred dollars (\$900.00).

Compensation of one engineer, six months in the year, six hundred dollars (\$600.00).

Compensation for two firemen, six months in the year, nine hundred dollars (\$900.00).

Compensation of policeman at capitol, seven hundred and twenty dollars (\$720.00).

Compensation of janitor of rotunda, seven hundred and twenty dollars (\$720.00).

Compensation of janitor of flag-room, six hundred and twenty dollars (\$620.00).

Compensation of four regular laborers, twenty-four hundred and ninety six dollars (\$2,496.00).

Extra labor, two thousand dollars (\$2,000.00).

Materials and repairs, including one hundred and fifty dollars (\$150.00) for putting in floor of packing room in secretary of state's department, one thousand dollars (\$1,000.00).

Fuel for state house, two thousand dollars (\$2,000.00).

Water rent, one thousand dollars (\$1,000.00).

Repairs of heating apparatus, six hundred dollars (\$600.00).

Putting up file cases in the governor's office and office of the clerk of the supreme court, two hundred and fifty dollars, each (\$500.00).

#### *For the Military:*

For expenses of companies, nine thousand five hundred dollars (\$9,500.00).

For expenses of batteries and cavalry, sixteen hundred dollars (\$1,600.00).

Transportation and subsistence, twenty-two thousand dollars (\$22,000.00).

Pay of Ohio national guards, in camp, thirty-five thousand two hundred dollars (\$35,200 00).

Expenses of courts-martial, one hundred and fifty dollars (\$150 00).

Repairs of arsenal, one hundred dollars (\$100.00).

Care of military stores and freight on arms, eight hundred dollars (\$800 00).

Uniforms of Ohio national guards, thirty-six hundred dollars (\$3,600 00 )

Loaders, two hundred and fifty dollars (\$250.00).

*For Auditor of State:*

For salary of chief clerk, two thousand dollars (\$2 000.00)

Salary of bookkeeper, fifteen hundred dollars (\$1,500 00)

Salary of land clerk, fifteen hundred dollars (\$1,500.00).

Salary of railroad, bank, and miscellaneous clerk, fifteen hundred dollars (\$1,500 00).

Salary of statistical clerk, twelve hundred dollars (\$1,200.00).

Salary trust fund, and miscellaneous clerks, twelve hundred and seventy-five dollars. (\$1,275 00.)

Salary of extra clerks on account of decennial board of equalization, twelve hundred dollars (\$1,200 00).

Contingent expenses, two thousand one hundred dollars (\$2,100.00).

*For Attorney-General:*

For salary of clerk, one thousand dollars (\$1,000.00).

For attorney's fees, five hundred dollars (\$500.00).

Contingent expenses, three hundred and fifty dollars (\$350 00).

*For Commissioner of State Common Schools:*

For salary of chief clerk, seventeen hundred and fifty dollars (\$1,750.00).

Assistant clerk, twelve hundred dollars (\$1,200 00 )

Traveling expenses, six hundred dollars (\$600 00.)

Contingent expenses, for office, five hundred dollars (\$500 00).

Boxing and shipping reports and laws, one hundred dollars (\$100 00).

*For Commissioners of Fisheries:*

For expenses of commissioners, five thousand dollars (\$5,000.00).

*For Commissioner of Railroads and Telegraphs:*

For salary of clerk, twelve hundred dollars (\$1,200.00).

Contingent expenses, three hundred and fifty dollars (\$350 00).

For carpet and repair of furniture, one hundred and fifty dollars (\$150 00).

Salary of executive clerk, fifteen hundred dollars (\$1,500 00)

*For Governor's Office :*

Salary of private secretary, eight hundred dollars (\$800 00).

Contingent expenses, twenty-one hundred dollars (\$2,100 00).

Furniture, one hundred dollars (\$100 00).

*For Insurance Department :*

Salary of chief clerk, fifteen hundred dollars (\$1,500 00).

Salary of book-keeper, twelve hundred dollars (\$1,200 00).

Salary of corresponding clerk, eight hundred dollars (\$800 00).

Salary of actuary, two hundred and fifty dollars (\$250 00).

Salary of temporary clerk hire, twenty-one hundred and fifty dollars (\$2 150 00).

Contingent expenses, one thousand dollars (\$1,000 00).

*For Judiciary :*

Salaries of the supreme, superior, and common pleas judges, one hundred and eighty-four thousand dollars. (\$184,000 00).

*For Commissioner of Labor Statistics :*

Contingent expenses, three hundred dollars (\$300 00).

Traveling expenses, one hundred dollars (\$100 00).

*For the Legislature :*

For salaries and mileage of members of the general assembly, per diem of clerks, sergeants-at-arms, and employes, seventy-eight thousand three hundred and fifty dollars (\$78,350 00).

Contingent expenses of the two houses, five hundred dollars (\$500 00).

Contingent expenses of senate clerk, fifty dollars (\$50 00).

Contingent expenses of house clerk, one hundred dollars (\$100 00.)

*For State Library :*

For books and magazines, fifteen hundred dollars (\$1,500 00).

Contingent expenses, and prepayment of postage and expressage on exchange, six hundred dollars (\$600 00).

For the purchase of supplementary catalogue of books in state library, prepared by Miss C. Harbaugh, up to January 1, 1880, four hundred dollars (\$400 00).

Glass globes and fixtures, eighty dollars (\$80 00).

*For Supreme Court :*

For purchase of books for law library, eight hundred dollars (\$800 00).

Contingent expenses of supreme court, law library, clerk's office, and reporter, six hundred dollars (\$600 00).



Carpet for consultation room, two hundred dollars (\$200.00)  
 Painting and repairing consultation room, one hundred and fifty dollars (\$150.00).

Cleaning walls of court-room, one hundred dollars (100.00)  
 Contingent expenses of the clerk of supreme court, three hundred dollars (\$300.00).

Messenger and porter, four hundred dollars (\$400.00).  
 [Said appropriations to be expended under the direction of the chief justice; and the supervisor of public printing is hereby directed to cause to be bound, in law binding, the state bindery, such books and magazines as may be designated by the chief justice for the law library, (and in addition thereto such records as the auditor of state may designate) for preservation in his office. The supervisor of public printing is further directed to have printed, under the contract with the state printer, three hundred copies of the catalogue of books in the law library when the copy is provided for him by the chief justice.]

*For Inspector of Mines:*

Contingent expenses, six hundred and fifty dollars (\$650.00).

*For Secretary of State:*

Salary of chief clerk, two thousand dollars (\$2,000.00).  
 Salary of statistician, fifteen hundred dollars (\$1,500.00).  
 Salary of stationery clerk, thirteen hundred and fifty dollars (\$1,350.00).  
 Salary of corporation clerk, thirteen hundred and fifty dollars (\$1,350.00).  
 Salary of recording clerk, thirteen hundred and fifty dollars (\$1,350.00).  
 Salary of superintendent of packing room, eight hundred dollars (\$800.00).  
 Contingent expenses, fifteen hundred dollars (\$1,500.00).  
 Distribution of laws and public documents, nineteen hundred dollars (\$1,900.00).  
 Stationery, twenty thousand dollars (\$20,000.00).

*For Supervisor of Public Printing:*

State printing, twenty thousand dollars (\$20,000.00).  
 State binding, twenty-five thousand dollars (\$25,000.00).  
 Contingent expenses, one hundred dollars (\$100.00).

*For Salaries of State Officers:*

Governor, four thousand dollars (\$4,000.00).  
 Lieutenant-governor, eight hundred dollars (\$800.00).  
 Adjutant general, two thousand dollars (\$2,000.00).  
 Assistant adjutant-general, fifteen hundred dollars (\$1,500.00).

Secretary of state, two thousand dollars (\$2,000 00).  
 Treasurer of state, three thousand dollars (\$3,000 00).  
 Auditor of state, three thousand dollars (\$3,000.00).  
 Attorney-general, fifteen hundred dollars (\$1,500 00).  
 Members of board of public works, twenty-four hundred dollars (\$2,400 00).  
 State librarian, fifteen hundred dollars (\$1,500.00).  
 Assistant librarian, one thousand dollars (\$1 000 00).  
 Law librarian, fifteen hundred dollars (\$1,500.00).  
 Assistant librarian, one thousand dollars (\$1,000.00).  
 Clerk of the supreme court, fifteen hundred dollars (\$1,500.00).  
 Deputy clerk of the supreme court, twelve hundred dollars (\$1,200 00).  
 Commissioner of railroads and telegraphs, two thousand dollars (\$2 000 00).  
 Superintendent of insurance, three thousand dollars (\$3,000.00).  
 Inspector of mines, two thousand dollars (\$2,000.00).  
 Commissioner of statistics of labor, two thousand dollars (\$2 000 00).  
 Supervisor of public printing, thirteen hundred dollars (\$1,300.00).  
 Commissioner of common schools, two thousand dollars (\$2 000 00).  
 Reporter of supreme court, one thousand dollars (\$1,000 00.)

*For Treasurer of State:*

Salary of cashier, two thousand dollars (\$2,000.00).  
 Salary of two book-keepers, twenty-seven hundred dollars (\$2,700.00).  
 Contingent expenses, eight hundred dollars (\$800 00).  
 Alarm telegraph or telephone, sixty dollars (\$60 00).  
 Collecting drafts, twenty-five hundred dollars (\$2,500.00).  
 Two night watchmen, sixteen hundred dollars (\$1,600 00).

*For Decennial Board of Equalization:*

Compensation of members of the board at a rate to be fixed by said board, not exceeding five dollars per day, while in actual attendance at the sessions of the board, nine thousand dollars (\$9,000.00).  
 Mileage of members of the board, to be computed at twelve cents per mile, by the nearest route to and from the capitol, nine hundred and twenty five dollars (\$925.00).  
 Compensation of officers, pages, and employes, said compensation to be fixed by the board, twelve hundred dollars (\$1,200.00).  
 Contingent expenses, four hundred dollars (\$400 00).  
 The secretary of state shall provide said board with all stationery necessary for the proper discharge of their duties.

*For Presidential Election:*

For payment of expenses of presidential election, seven hundred and fifty dollars (\$750.00).

*For the Athens Asylum for the Insane:*

Current expenses, ninety-two thousand four hundred and eleven dollars (\$92,411.00).

Salaries of officers, fifty-one hundred dollars (\$5,100.00).

Ordinary repairs, three thousand dollars (\$3,000.00).

Library, one hundred dollars (\$ 00.00).

Pictures for wards, two hundred dollars (\$200 00).

Painting outside wood work of asylum building and walls of wards, three thousand dollars (\$3 000.00).

Grading, five hundred dollars (\$500.00).

Expenses of trustees, two hundred and twenty-five dollars (\$225 00).

For hose, one thousand dollars (\$1,000 00).

For ice house and straw house, one thousand dollars (\$1,000.00).

*For the Cleveland Asylum for the Insane:*

Current expenses, ninety-three thousand dollars (\$93 000.00).

Salaries of officers, forty-four hundred and ninety dollars (\$4,490 00).

Ordinary repairs, three thousand dollars (\$3,000 00).

For painting walls of wards, five hundred dollars (\$500.00).

Library, one hundred dollars (\$100 00).

Pictures for wards, two hundred dollars (\$200 00).

Grading on bank of creek, five hundred dollars (\$500 00).

For kitchen and bake house, eight thousand dollars (\$8,000 00).

Expenses of trustees, two hundred and twenty-five dollars (\$225.00).

*For the Columbus Asylum for the Insane:*

Current expenses, one hundred and twenty-six thousand and three hundred dollars (\$126,300 00).

Salaries of officers, fifty-six hundred and fifty-five dollars and two cents (\$5,655 02).

Grading and graveling roads, thirty-five hundred dollars (\$3,500 00).

For sewerage, eighteen hundred dollars (\$1 800 00).

Trees and shrubs, two hundred dollars (\$200 00).

Enclosing cemetery, two hundred dollars (\$200 00).

Surgical instruments, two hundred dollars (\$200 00).

Ordinary repairs, three thousand five hundred dollars (\$3,500.00).

Expenses for trustees, two hundred and twenty-five dollars (\$225.00).

Furnishing new wards, eight hundred dollars (\$800 00).

Grading in front of north wing, two thousand dollars (\$2 000 00).

Microscope, one hundred dollars (\$100.00).

*For Dayton Asylum for the Insane:*

Current expenses, eighty-seven thousand four hundred and sixteen dollars and eighteen cents (\$87 416.18).

Salaries of officers, forty-four hundred dollars (\$4 400 00).

Ordinary repairs, three thousand dollars (\$3,000 00).

Library, one hundred dollars (\$100 00).

Pictures for wards, two hundred dollars (\$200.00).

Fencing, seven hundred and fifty dollars (\$750.00).

Furniture, three hundred dollars (\$300 00).

Purchase or condemnation of two acres of land, on which is situated a spring of water, on the Steffan farm, and the right of way from the same to the asylum grounds, seven hundred and fifty dollars (\$750 00).

Expenses of trustees, two hundred and twenty-five dollars (\$225.00).

*For Longview Asylum:*

A sum to be ascertained by the auditor of state, which shall bear the same proportion to the appropriations for the other asylums of the state for the insane as the population of Hamilton county bears to the population of the state, as appears by the last federal census, and in addition thereto the sum of ten thousand dollars (\$10,000 00).

For care of colored insane, six thousand three hundred and eighty-two dollars and sixty-six cents (\$6,382.66).

*For the Lucas County Asylum for the Insane:*

For care and cure of the insane, as per contract with the state, twenty-two thousand eight hundred and twelve dollars and fifty cents (\$22,812.50).

*Toledo House of Refuge and Correction:*

For the maintenance of an average number of one hundred and fifty boys, at two dollars and fifty cents per capita, per week, under contract with the state, nineteen thousand and five hundred dollars (\$19,500 00).

*For Asylum for the Deaf and Dumb:*

Current expenses, fifty-two thousand dollars (\$52,000.00).

Salaries of officers and teachers, seventeen thousand two hundred and sixty-eight dollars and four cents (\$17,268.04).

Ordinary repairs, two thousand dollars (\$2,000 00).

Flooring, and repairing floors, five hundred dollars (\$50 00).

Paving courts and alley, one thousand dollars (\$1,000.00).

Painting outside wood-work of buildings, eight hundred dollars (\$800 00).

Painting and repairing school-rooms, eight hundred dollars (\$800 00).

Repairing barn, one hundred and fifty dollars (\$150.00).

Expenses of trustees, three hundred and fifty dollars (\$350 00).

For printing, six hundred dollars (\$600.00), to be expended under the direction of the superintendent of the institution.

Salaries of teaching and maintaining of deaf and dumb children of Hamilton county, to be paid upon the order, and to be expended under the direction, of the board of education of the city of Cincinnati, two thousand dollars (\$2,000.00).

#### *For Blind Asylum:*

Current expenses, thirty-six thousand dollars (\$36,000.00).

Salaries of officers and teachers, ten thousand two hundred and sixty-two dollars and forty cents (\$10,262.40).

Ordinary repairs, twenty-five hundred dollars (\$2,500.00).

School apparatus and musical instruments, twelve hundred dollars (\$1,200 00).

Furniture, four hundred dollars (\$400.00).

Expenses of trustees, three hundred and fifty dollars (\$350.00).

#### *For Imbecile Asylum:*

Current expenses, seventy-four thousand dollars (\$74,000 00).

Salaries of officers and teachers, twelve thousand three hundred and thirty-eight dollars and forty-five cents (\$12,338 45).

Ordinary repairs, three thousand dollars (\$3,000.00).

For repairing floors and painting outside wood-work, five hundred dollars (\$500.00).

Changing dining-rooms to living rooms, three thousand dollars (\$3,000.00).

Completion of water-tower, thirty-nine hundred dollars (\$3,900 00). If, in the judgment of the trustees, the interests of the state will be subserved thereby, they may construct the water-tower without letting by contract.

Building barns, four thousand dollars (\$4,000.00)

Heating and plumbing, one thousand dollars (\$1,000.00).

New wings, fifteen hundred dollars (\$1,500 00).

Furniture, one thousand dollars (\$1,000.00).

Expenses of trustees, three hundred and fifty dollars (\$350.00).

*For Ohio Soldiers and Sailors Orphans Home.*

Current expenses, sixty-six thousand seven hundred and sixteen dollars and thirty-one cents (\$66,716 31).

Salaries of officers and teachers, twelve thousand three hundred and seventy-eight dollars and eighty-five cents (\$12,878.85.)

Ordinary repairs, one thousand five hundred dollars (\$1,500).

Industrial pursuits, three thousand three hundred and twenty-eight dollars and forty-one cents (\$3,228 41).

Library, two hundred and fifty dollars (\$250 00).

Purchase of cows, three hundred dollars (\$300.00).

Ornamental trees, fifty dollars (\$50.00).

Fire hose, mains, and plugs, fifteen hundred dollars (\$1,500.00).

Washing machine, six hundred dollars (\$600.00).

Expenses of trustees, three hundred and fifty dollars (\$350.00).

*For Ohio Penitentiary.*

For current expenses, sixty-five thousand dollars (65,000.00).

Salaries of officers, fifteen thousand sixty-nine dollars and twenty-six cents (\$15,069.26).

Salaries of guards, seventy-one thousand nine hundred and eleven dollars and two cents (\$71,911.02).

Manufacture of gas, nineteen thousand dollars (\$19,000 00).

Repairs, twelve thousand five hundred dollars (\$12,500.00).

Workshops, ten thousand dollars (\$10,000.00).

Wash-house, one thousand dollars (\$1,000.00).

Library, six hundred dollars (\$600.00).

Rewards to convicts, twelve thousand five hundred dollars (\$12,500.00).

Prosecution and transportation of convicts, under sections 759 and 7336 of the revised statutes, seventy thousand dollars (\$70,000 00).

Salaries of directors, twenty-five hundred dollars (\$2,500.00).

*For Girls Industrial Home:*

For current expenses, twenty-seven thousand six hundred and thirty-two hundred dollars and eighty-five cents (\$27,632 85).

Telephone, one thousand dollars (\$1,000.00).

Salaries of officers, matrons, teachers and housekeepers, seven thousand two hundred and seventy-one dollars and seventy-five cents (\$7,271.75.)

Graveling Columbus and Delaware free turnpike through state farm, one thousand dollars (\$1,000 00).

Graveling roads and walks and improving grounds, five hundred dollars (\$500.00).

Ordinary repairs, including repairing roofs, papering, and painting, two thousand dollars (\$2,000.00).

Books and periodicals, two hundred dollars (\$200.00).

Gas fixtures for new building, three hundred dollars (\$300 00).

Heating by steam administration and fire-proof family buildings, three thousand six hundred and forty-one dollars (\$3,641. 0).

Two organs for school-rooms in new buldings, two hundred dollars (\$200.00).

Furniture for new building, five hundred dollars (\$500.00).

Sewerage and water-closets, one thousand dollars (\$1,000 00).

Purchase of two farm-horses, two hundred and fifty-dollars (\$250 00).

Purchase of carriage, two hundred and twenty-five dollars (\$225 00).

For construction of one new family building, and to provide for steam heating of the same, fifteen thousand five hundred (\$15,500.00).

Expenses of trustees, three hundred and fifty dollars. (\$350 00).

*For Reform Farm School:*

For current expenses, fifty five thousand dollars (\$55,000.00).

Salaries of officers and teachers, twenty one thousand eight hundred and thirty dollars and fifty cents (\$21,830 50).

Putting down gas mains, two thousand eight hundred dollars (\$2,800 00).

For ceiling store-house, two hundred dollars (\$200 00).

Roofing five family buildings and store-house, nine hundred dollars (\$900 00).

Painting outside wood-work of buildings, five hundred dollars (\$500 00).

Water supply, six hundred dollars (\$600.00).

Extending water pipes to new building, one hundred and fifty dollars (\$150.00).

Ordinary repairs, two thousand dollars (\$2,000 00).

Purchase of one wagon, two work-horses and harness, three hundred and twenty-five dollars (\$325 00).

Purchase of light wagon and harness, one hundred dollars (\$100 00).

Books for boys' library, one hundred dollars (\$100.00).

Expenses for trustees, three hundred and fifty dollars (\$350.00).

*For Ohio State University:*

Expenses of trustees, three hundred and fifty dollars (\$350.00).

For farm improvements and stock, fifteen hundred dollars (\$1,500 00).

For supplies for mining department, five hundred dollars (\$500.00).

For wall and table cases in geological museum, one thousand dollars (\$1,000.00).

*For State Board of Charities:*

Expenses, twenty-five hundred dollars (\$2,500 00)).

No moneys appropriated in this section shall be used for the payment of debts or deficiencies created before the fifteenth day of February, 1880.

The appropriation herein made for salaries to state officers and clerks, and for contingencies in their several offices, is in full for all such expenditures to the 15th of February, 1881.

## SEC. 2.

*Miscellaneous:*

For payment to Colonel L. R. Hoagland, late assistant adjutant general, balance of salary, fifty-two dollars and fifty cents (\$52.50).

For deficiency to executive clerk of the governor, fourteen dollars and eleven cents (\$14.11).

For portrait of Governor Bishop, for governor's room, five hundred and fifty dollars (\$550 00).

For attorney-general's salary, from January 12 to February 15, 1880, one hundred and thirty-seven dollars and fifty cents (\$137.50).

For payment to night-watch of the treasury for extinguishing lights, three months to April 15, 1880, thirty dollars (\$30 00).

To J. J. Vogelgesang for mantle, grate, and putting up the same in room of the clerks of the house, eighty dollars (\$80 00).

Attorney fees and expenses of J. W. Keifer, one hundred and fifty dollars (\$150.00).

There is hereby reappropriated the balance of the appropriation made in 1877 to complete the removal of obstructions in what is known as "the Providence slack-water," amounting to five hundred and twenty nine dollars and eighty-three cents (\$529.83).

Attorneys' fees of Little & Sherer, one hundred and seventy-six dollars and twenty nine cents (\$176 29).

For the payment of Charles Townsend, attorney fees, one hundred and forty dollars (\$140 00).

For payment of balance of salaries of the governor and private secretary of the governor up to February 15, 1880, four hundred and forty dollars (\$440 00).

To pay for materials furnished and labor performed, to J. H. Warner, under contract with adjutant-general Karr, three hundred dollars (\$300 00). No part of this appropriation to be paid except upon full investigation by the adjutant-general and attorney-general, and the execution of a receipt in full of all claims on account of said contract.

To pay bounties to veteran volunteers under provisions of act of March 7, 1867 (64 v. 35), as amended May 16, 1868 (65 v. 210), and act of April 16, 1867 (64 v. 231), (see R. S., section 8168), fifteen hundred dollars (\$1,500.00).



For expenses of commissioners of Ohio river improvement, five hundred dollars (\$500 00).

For balance due for publishing constitutional amendments, fifteen hundred dollars (\$1,500.00).

For salary due Joseph Cox for services as judge of the court of common pleas, in the first judicial district, for the month ending March 9, 1877, two hundred and eight dollars and thirty-three cents (\$208.33).

*For Public Works:*

SEC. 3. That there is hereby appropriated, from any money coming into the treasury, as receipts from the public works, the following sums, to-wit:

For the maintenance, repairs, compensation of superintendents, and other employes of the public works, not otherwise herein provided for, the receipts from tolls, rents, fines, and other income, heretofore and since the 15th day of November, 1879, received, or hereafter arising from the use of the public works, not otherwise appropriated.

Salaries of resident engineers, three thousand six hundred dollars (\$3,600.00).

Salary of secretary of board, eight hundred dollars (\$800 00).

Contingent expenses of office, two hundred dollars (\$200 00).

Attorneys' fees, two hundred and fifty dollars (\$250 00).

Salary of chief engineer, two thousand dollars (\$2,000.00).

Amount awarded Frederick Lebold, by commissioners, two hundred and thirty-six dollars and ninety-one cents (\$236 91).

For damages to John Darst for boat and cargo, three hundred and thirty-four dollars and forty-eight cents (\$334 48).

SEC. 4. That there is hereby appropriated to the Western Reserve and Maumee road whatever money may be collected and paid into the treasury to the credit of said road between the fifteenth day of February, 1880, and the fifteenth day of February, 1881.

SEC. 5. This act shall take effect on its passage.

JOHN. A. WILLIAMSON,

*Speaker pro tem. of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Passed April 15, 1880.

[Senate Bill No. 53.]

AN ACT

To amend section 2667 of the revised statutes of Ohio in relation to wharves and docks.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section two thousand six hundred and sixty-

seven (2667) of the revised statutes be amended so as to, read as follows:

Section 2667. That the council shall have the use and control, for the above purpose, of the shore or bank of any lake or river, and all navigable waters, not the property of individuals, to the extent and in any manner that the state can grant such use or control, and the power to appoint harbor masters, wharf masters, port wardens, and other officers, usual or proper, for regulation of the navigation trade or commerce of the corporation, to define their duties and powers, and to fix their compensation.

City council  
to have con-  
trol of  
shore.

Appoint-  
ment of har-  
bor masters,  
etc.

SEC. 2. That said original section 2667 be and the same is hereby repealed, and that this act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 15, 1880.

[Senate Bill No. 197.]

#### AN ACT

To authorize certain townships to build railroads, and to lease or operate same.

[UNION TOWNSHIP, VAN WERT COUNTY.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That whenever in any township which by the federal census of 1870 had, and which by any subsequent federal census may have, a population of five hundred and twenty-four, the township trustees thereof shall, on the petition of not less than twenty-five resident tax payers of such township, pass a resolution declaring it to be essential to the interests of such township that a line of railway shall be constructed on the line to be designated in said petition, and said railway shall be named in said resolution, and the termini thereof shall be designated therein, and not to exceed seven miles in length, it shall be lawful for a board of trustees appointed as herein provided, and they are hereby authorized to borrow as a fund for that purpose, not to exceed the sum of ten thousand dollars, and to issue bonds therefor, in the name of said township, bearing interest at a rate not exceeding six per centum, payable semi-annually. Said bonds to be payable at such times and places, and in such sums as shall be deemed best by said board. Said bonds shall be signed and sealed by the president of said board, and attested by the clerk of such township, who shall keep a register of the same, and they shall be secured by the pledge of the faith of such township and a tax which it

shall be the duty of the trustees thereof, annually, to levy (which tax shall not exceed three mills on the dollar in any one year), to pay the interest and provide a sinking fund for the final redemption of said bonds: and provided, that no money shall be borrowed or bonds issued until after the question of providing the line of railway specified in said resolution shall be submitted to a vote of the qualified electors of such township, at a special election to be ordered by the township trustees thereof, of which not less than twenty days' notice shall be given by posting up notices at not less than five of the most public places in such township, and by publishing for three successive weeks such notice in a newspaper printed in the county wherein such township is located, and of general circulation in such township: further provided, two thirds of said electors voting at such election shall decide in favor of such line of railway. The returns of said election shall be made to the clerk of said township, and by him laid before the township trustees, who shall declare the result by resolution. The bonds issued under the authority of this section shall not be sold or disposed of for less than their par value.

SEC. 2. If a majority of the votes cast at said election shall be in favor of the construction of the line of railway, as specified in the first section, it shall be the duty of the township trustees to nominate five trustees, who shall be electors and freeholders of said township, to be called the trustees of \_\_\_\_\_ railway (the blank to be filled with the name of the railroad, as given in the aforesaid resolution), and the same nominations shall be forthwith presented to the judge of the court of common pleas, presiding in said county, for his approval or rejection, and in case of his rejecting any of the persons named, then other nominations shall be made in like manner until said board is filled, and when said board shall be full the said judge shall make an order indorsing such appointment on the minutes of the court of which he is judge; he shall also designate the amount of bond to be given by the trustees, each bond to be several and conditioned for the faithful performance of his duties as such trustee; said bond shall be signed by not less than three sureties and be approved by the clerk of said court, and shall be signed in duplicates, one copy to be filed with the clerk of said court and the other with the treasurer of said township; said trustees shall, before entering upon the discharge of their duties, each take an oath of office that they will faithfully and honestly discharge the duties of their office.

SEC. 3. The said board of trustees and their successors shall be the trustees of said fund, and shall have the control and disbursement of the same. They shall expend said fund in procuring the right to construct, and in constructing a railway, with all the proper appendages; and if deemed necessary, a line of telegraph, between the termini specified

in said resolution; and for the purpose aforesaid, shall have the power and capacity to make contracts, appoint, employ, and pay officers and agents, and to acquire, hold, and possess all the necessary real and personal property and franchises; they shall also have power to receive donations of land, money, bonds, and other personal property, and to dispose of the same in aid of said fund. The said trustees shall have the right to bring, maintain, and defend all actions, and to sue and be sued, plead and be impleaded, touching the said trust and trust property, in their own names, as such trustees, in any of the courts of this state or elsewhere; they shall elect a treasurer, whose duty it shall be to draw from the treasurer of the county all of said trust funds, upon the order of the said trustees; and the said treasurer shall give bond in such sum as said trustees shall designate, which bond shall be signed by at least three sureties, and shall be approved by at least four-fifths of said trustees.

SEC. 4. The said trustees shall form a board, and choose one of their number president, who shall also be the acting trustee, with such power as the board may, by resolution, from time to time, confer upon him. A majority of said trustees shall constitute a quorum, and shall hold regular meetings for the transaction of business, at their regular office in the township under whose action they are appointed, but they may adjourn, from time to time, to meet at any place they may think proper. They shall keep a record of their proceedings, and cause to be kept a full and accurate account of their disbursements, and make a report of the same to the township clerk, whenever requested so to do by a resolution of the township trustees. No money shall be drawn from said fund but upon the order of said board, except their own compensation, which shall be paid out of the same upon the recommendation of the township trustees, by resolution, duly adopted and allowed by the court appointing them.

SEC. 5. Said trustees shall have power to take such security from any officer, agent, or contractor chosen, or appointed, or employed by them as they shall deem advisable. They shall not become surety for any such officer, agent, or contractor, or be interested, directly or indirectly, in any contract concerning said railway. They shall be responsible only for their own acts.

SEC. 6. Whenever the township trustees, or any one of them, of any township under whose action a board of trustees has been appointed, as herein provided, shall have reason to believe that any one or more of said trustees has failed in the faithful performance of his trust, it shall be the duty of such township trustees to apply to the then judge of the court of common pleas, by petition, alleging such misconduct and praying that he or they be removed, and that such vacancy be ordered to be filled in the manner heretofore provided for; and if the said township trustees

shall fail, upon the written request of not less than five resident tax-payers, or upon the request of any of the householders of said township, then in that case such tax-payers or bondholders may file such petition, for like relief, in the court of common pleas of said county; and if the court, upon hearing said petition, shall adjudge in favor of such plaintiff, it shall remove such trustee or trustees; and any vacancy, from this or any cause, resignation, death, or removal, shall be filled in the manner heretofore provided for.

SEC. 7. Whenever, in the construction of a line of railway, as herein provided, it shall be necessary to appropriate land for the foundation of the abutments or pier of any bridge across any stream, or for any other purpose, or to appropriate any rights or franchises, proceedings shall be commenced and conducted in accordance with the laws in force at the time for the appropriation of such private property for the use of corporations, except that the oath and verdict of the jury and judgment of the court shall be so varied as to suit the case.

SEC. 8. Whenever there shall be, between the termini designated in any resolution passed under this act, a railroad already partially constructed, or right of way acquired therefor, which can be adopted as parts of the line provided for in said resolution, the trustees of said line may purchase or lease the said railroad, or right of way, and pay for the same out of the trust fund.

SEC. 9. Whenever, in the construction of a line of railway, as herein provided, the said board of trustees shall find it necessary to use or occupy any street, alley, or other public way, space, or ground, or any part thereof of any incorporated village in said township, proceedings shall be commenced and conducted in accordance with the laws in force at the time for the appropriation of such rights or easements by street railway corporations, except that the oath and verdict of the jury and the judgment of the court shall be so varied as to suit the case.

SEC. 10. On the final completion of any line of railway, constructed under the provisions of this act, the board of trustees shall have power to lease the same to any person or persons, or company, as will conform to the terms and conditions which shall be fixed and provided by the trustees of the township by which the line of railway is owned.

SEC. 11. Deeds and contracts may be made, and proceedings for appropriations and actions may be commenced, either in the name of such township providing the line of railway, or in the name of the trustees of \_\_\_\_\_ railway (filling the blank with the name given to the railway in the resolution), and said proceedings may be commenced and conducted, either in the court of common pleas or probate court, as in cases of appropriations for the use of municipal corporations.

SEC. 12. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
 R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 15, 1880.

[Senate Bill No. 240.]

### AN ACT

To amend section 8380 of the revised statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 8380 of the revised statutes of Ohio be so amended as to read as follows:

Section 8380. That whenever, in any incorporated village, which, by the federal census of 1870 has a population of not more than one thousand and thirty-seven (1037) and not less than one thousand and thirty-six (1036) inhabitants, the village council thereof shall, by resolution passed by a majority of the members elected thereto, declare it to be essential to the interests of such village that a line of railway to be named in said resolution, should be provided between termini designated therein, one of which shall be such village, it shall be lawful for a board of trustees, appointed as herein provided, and they are hereby authorized, to borrow as a fund for that purpose, not to exceed the sum of six per cent. of the value of the property on the tax duplicate of such incorporated village, and to issue bonds therefor, in the name of such incorporated village, under the corporate seal thereof, bearing interest at a rate not to exceed seven (7) per centum per annum, payable semi-annually; said bonds to be payable at such times and places, and in such sums as shall be deemed best by said board; said bonds shall be signed by the president of said board, and attested by the clerk of said incorporated village, who shall keep a register of the same, and they shall be secured by the pledge of the faith of such village, and a tax which it shall be the duty of the council thereof annually to levy (which tax shall not exceed five (5) mills on the dollar in any one year) to pay the interest and provide a sinking fund for the final redemption of said bonds: provided, that said village shall not in any one year levy a tax of greater amount than twelve (12) mills on the dollar (including the levy) for said bonds: and provided, that no money shall be borrowed on bonds issued until after the question of providing the line of railway specified in said resolution shall have been submitted to a vote of the qualified electors of such incorporated village, at a special election to be ordered by the village council thereof, of which not less than ten days' notice shall be given in the papers published in

Amending  
 act authorizing  
 George-  
 town to  
 build a rail-  
 road.

said village: and further provided, that a majority of said electors voting at such election shall decide in favor of said line of railway. The returns of said election shall be made to the clerk of said incorporated village, and be by him laid before the village council, who shall declare the result by resolution. The bonds issued under the authority of this section shall not be sold or disposed of for less than their par value.

SEC. 2. That original section 8380 be and the same is hereby repealed, and this act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 15, 1880.

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[Senate Bill No. 239.]

AN ACT

To authorize certain townships to build railroads, and to lease or operate the same

[WOOSTER TOWNSHIP, WAYNE COUNTY.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That whenever in any township which by the federal census of 1870 had, and which by any subsequent federal census may have, a population of six thousand five hundred and sixty-four, the township trustees shall, on the petition of not less than twenty-five resident tax-payers of such township, pass a resolution declaring it to be essential to the interests of such township that a line of railway shall be constructed on the line to be designated in said petition, and said railway shall be named in said resolution, and the termini thereof shall be designated therein, and not to exceed nine miles in length, it shall be lawful for a board of trustees appointed as herein provided, and they are hereby authorized to borrow as a fund for that purpose, not to exceed the sum of seventy-five thousand dollars, and to issue bonds therefor, in the name of said township, bearing interest at a rate not exceeding six per centum, payable semi-annually. Said bonds to be payable at such times and places, and in such sums as shall be deemed best by said board. Said bonds shall be signed and sealed by the president of said board, and attested by the clerk of such township, who shall keep a register of the same, and they shall be secured by a pledge of the faith of such township, and a tax which it shall be the duty of the trustees thereof, annually, to levy (which tax shall not exceed two and one-half mills on the dollar in any

one year), to pay the interest and provide a sinking fund for the final redemption of said bonds: and provided, that no money shall be borrowed or bonds issued until after the question of providing the line of railway specified in said resolution shall be submitted to a vote of the qualified electors of such township, at a special election to be ordered by the township trustees thereof, of which not less than twenty days' notice shall be given by posting up notices at not less than five of the most public places in such township, and by publishing for three successive weeks such notice in a newspaper printed in the county wherein such township is located, and of general circulation in such township: further provided, two thirds of said electors voting at such election shall decide in favor of such line of railway. The returns of said election shall be made to the clerk of said township, and by him laid before the township trustees, who shall declare the result by resolution. The bonds issued under the authority of this section shall not be sold or disposed of for less than their par value.

SEC. 2. If a majority of the votes cast at said election shall be in favor of the construction of the line of railway, as specified in the first section, it shall be the duty of the township trustees to nominate five trustees, who shall be electors and freeholders of said township, to be called the trustees of \_\_\_\_\_ railway (the blank to be filled with the name of the railroad, as given in the aforesaid resolution), and the same nominations shall be forthwith presented to the judge of the court of common pleas, presiding in said county, for his approval or rejection, and in case of his rejecting any of the persons named, then other nominations shall be made in like manner until said board is filled, and when said board shall be full the said judge shall make an order indorsing such appointment on the minutes of the court of which he is judge; he shall also designate the amount of bond to be given by the trustees, each bond to be several and conditioned for the faithful performance of his duties as such trustee; said bond shall be signed by not less than three sureties and shall be approved by the clerk of said court, and be signed in duplicates, one copy to be filed with the clerk of said court and the other with the treasurer of said township; said trustees shall, before entering upon the discharge of their duties, each take an oath of office that they will faithfully and honestly discharge the duties of their office.

SEC. 3. The said board of trustees and their successors shall be the trustees of said fund, and shall have the control and disbursement of the same. They shall expend said fund in procuring the right to construct, and in constructing a railway, with all the proper appendages; and, if deemed necessary, a line of telegraph, between the termini specified in said resolution; and for the purpose aforesaid, shall have the power and capacity to make contracts, appoint, employ,



and pay officers and agents, and to acquire, hold, and possess all the necessary real and personal property and franchises. They shall also have power to receive donations of land, money, bonds, and other personal property, and to dispose of the same in aid of said fund. The said trustees shall have the right to bring, maintain, and defend all actions, and to sue and be sued, plead and be impleaded, touching the said trust and trust property, in their own names, as such trustees, in any of the courts of this state or elsewhere; they shall elect a treasurer, whose duty it shall be to draw from the treasurer of the county all of said trust funds, upon the order of the said trustees; and the said treasurer shall give bond in such sum as said trustees shall designate, which bond shall be signed by at least three sureties, and shall be approved by at least four-fifths of said trustees.

SEC. 4. The said trustees shall form a board, and shall choose one of their number president, who shall also be the acting trustee, with such powers as the board may, by resolution, from time to time, confer upon him. A majority of said trustees shall constitute a quorum, and shall hold regular meetings for the transaction of business, at their regular office in the township under whose action they are appointed, but they may adjourn, from time to time, to meet at any place they may think proper. They shall keep a record of their proceedings, and cause to be kept a full and accurate account of their disbursements, and make a report of the same to the township clerk, whenever requested so to do by a resolution of the township trustees. No money shall be drawn from said fund but upon the order of said board, except their own compensation, which shall be paid out of the same upon the recommendation of the township trustees, by resolution, duly adopted and allowed by the court appointing them.

SEC. 5. Said trustees shall have power to take such security from any officer, agent, or contractor chosen, or appointed, or employed by them as they shall deem advisable. They shall not become surety for any such officer, agent, or contractor, or be interested, directly or indirectly, in any contract concerning said railway. They shall be responsible only for their own acts.

SEC. 6. Whenever the township trustees, or any one of them, of any township under whose action a board of trustees has been appointed, as herein provided, shall have reason to believe that any one or more of said trustees has failed in the faithful performance of his trust, it shall be the duty of such township trustees to apply to the then judge of the court of common pleas, by petition, alleging such misconduct and praying that he or they be removed and that such vacancy be ordered to be filled in the manner heretofore provided for; and if the said township trustees shall fail, upon the written request of not less than five resident tax-

payers, or upon the request of any of the householders of said township, then in that case such tax-payers or bondholders may file such petition, for like relief, in the court of common pleas of said county; and if the court, upon hearing said petition, shall adjudge in favor of such plaintiff, it shall remove such trustee or trustees; and any vacancy, from this or any other cause, resignation, death, or removal, shall be filled in the manner heretofore provided for.

SEC. 7. Whenever, in the construction of a line of railway, as herein provided, it shall be necessary to appropriate land for the foundation of the abutments or pier of any bridge across any stream, or for any other purpose, or to appropriate any rights or franchises, proceedings shall be commenced and conducted in accordance with the laws in force at the time for the appropriation of such private property for the use of corporations, except that the oath and verdict of the jury and judgment of the court shall be so varied as to suit the case.

SEC. 8. Whenever there shall be, between the termini designated in any resolution passed under this act, a railroad already partially constructed, or right of way acquired therefor, which can be adopted as parts of the line provided for in said resolution, the trustees of said line may purchase or lease the said railroad, or right of way, and pay for the same out of the trust fund.

SEC. 9. Whenever, in the construction of a line of railway, as herein provided, the said board of trustees shall find it necessary to use or occupy any street, alley, or other public way, space, or ground, or any part thereof of any incorporated village or city of the second class in said township, proceedings shall be commenced and conducted in accordance with the laws in force at the time for the appropriation of such rights or easements by street railway corporations, except that the oath and verdict of the jury and the judgment of the court shall be so varied as to suit the case.

SEC. 10. On the final completion of any line of railway, constructed under the provisions of this act, the board of trustees shall have power to lease the same to any person or persons, or company, as will conform to the terms and conditions which shall be fixed and provided by the trustees of the township by which the line of railway is owned.

SEC. 11. That the trustees of any township described in this act may, after trustees have been appointed, as provided in this act, advance to said trustees, out of any funds of said township, such sum as is necessary, not exceeding five hundred dollars, for carrying the object for which they were appointed into effect, and said sum shall be repaid out of the trust fund provided for in this act when raised.

SEC. 12. Deeds and contracts may be made, and proceedings for appropriations and actions may be commenced, either in the name of such township providing the line of railway, or in the name of the trustees of ——— railway

(filling the blank with the name given to the railway in the resolution), and said proceedings may be commenced and conducted, either in the court of common pleas or probate court, as in cases of appropriation for the use of municipal corporations.

SEC. 12. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
 R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 15, 1880.

[House Bill No. 397.]

### AN ACT

To amend sections 3455 and 3462 of the revised statutes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio.* That section 3455 be so amended as to read as follows :

Powers of  
 telegraph  
 companies.

Section 3455. Any such company may construct, own, use, and maintain any line or lines of magnetic telegraph, whether described in its original articles of incorporation or not, and whether such line or lines are wholly within or partly beyond the limits of this state, and may join with any other company or association in conducting, leasing, owning, using, or maintaining such line or lines, upon such terms as may be agreed upon between the directors or managers of the respective companies; and such companies may own and hold any interest in any such line or lines, or may become lessees of such line or lines, upon such terms as may be agreed upon; but it shall be unlawful for any such company or companies, and the owner or owners of rights of way to contract for the exclusive use thereof for telegraphic purposes.

Unlawful to  
 contract for  
 exclusive  
 right of way.

SEC. 2. That said section 3462 be so amended as to read as follows :

Must receive  
 and transmit  
 dispatches  
 for other  
 lines.

Section 3462. Every company, incorporated or unincorporated, operating a telegraph line in this state shall receive dispatches from and for other telegraph lines, and from or for any individual; and on payment of its usual charges for transmitting dispatches, as established by the rules and regulations of the company, shall transmit the same with impartiality and good faith, under a penalty of one hundred dollars for each case of neglect or refusal so to do, to be recovered, with cost of suit, by civil action, in the name and for the benefit of the person or company sending or forwarding, or desiring to send or forward, the dispatch.

SEC. 3. That said original sections three thousand four

hundred and fifty-five and three thousand four hundred and sixty-two be and the same are hereby repealed.

SEC. 4. This act shall take effect and be in force on [and] after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 15, 1880.

[House Bill No. 68.]

# AN ACT

To amend section 6742 of the revised statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section six thousand seven hundred and forty-two be amended so as to read as follows:

Section 6742. The writ may be issued by the supreme court, district court, or the court of common pleas; and although it may require an inferior tribunal to exercise its judgment, or proceed to the discharge of any of its functions, it can not control judicial discretion.

SEC. 2. Section six thousand seven hundred and forty-two is hereby repealed.

SEC. 3. This act shall take effect upon its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 15, 1880.

Writ of mandamus may be issued by what courts.

265, §6742.  
Am.  
82 v. 38.

[House Bill No. 143.]

# AN ACT

To amend section fourteen hundred and ninety-six (1496) of the revised statutes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section fourteen hundred and ninety-six (1496) of the act passed June 20, 1879, entitled "an act to revise and consolidate the general statutes of Ohio," be so amended as to read as follows:

Section 1496. When it has been ascertained by the trustees of a township that any pauper therein has a legal settlement in some other county of this state, they shall immediately notify the directors of the infirmary of the county in which such pauper is found, and said directors shall im-

Pauper having legal settlement in another county to be removed thereto.

265,  
§1496 Am.  
83 v. 202.

mediately, should the pauper's health permit, remove said pauper to the infirmary of the county where his or her legal settlement is, which county shall pay all expenses of such removal and the necessary charges for relief; and upon refusal or failure to pay therefor, may be compelled so to do by a civil action, by the board of infirmary directors of the county from whence the removal is made, against the board of infirmary directors of the county to which such pauper is removed, in the court of common pleas of the county to which such pauper is removed.

SEC. 2. Said original section 1496 is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 15, 1880.

[ Amended House Bill No. 230 ]

#### AN ACT

To amend section 3244 of the revised statutes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 3244 of the revised statutes of Ohio be amended to read as follows:

When corporation formed to give notice of election of directors.

Section 3244. As soon as ten per cent. of the capital stock is subscribed, the subscribers of the articles of incorporation, or any five of them, shall so certify, in writing, to the secretary of state, and thereupon shall give notice to the stock holders, as provided in section three thousand two hundred and forty-two, to meet at such time and place as they may designate, for the purpose of choosing not less than five nor more than fifteen directors, who shall continue in office until the time fixed for the annual election, and until their successors are chosen and qualified: provided, that in case all subscribers are present in person, or by proxy, such notice may be waived in writing, and the incorporators of the company shall be liable to any person affected thereby, to the amount of any deficiency in the actual payment of said ten per cent. at the time of so certifying.

SEC. 2. Said original section three thousand two hundred and forty-four of the revised statutes is hereby repealed.

SEC. 3. This act shall take effect on its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,

Passed April 15, 1880.

*President pro tem. of the Senate.*

[House Bill No. 162.]

## AN ACT

To amend section 3597 of the revised statutes.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Ohio,* That section 3597 of the revised statutes be amended so as to read as follows:

Section 3597. Every company organized under the laws of this state shall have authority to reinsure any risk herein authorized to be undertaken: provided, that no such company shall have the right to reinsure its entire line of risks in another company or companies with a view to discontinuing its business, and that no such company shall be authorized to take or add to its liability the risks of another company, until the consent of the all the policy-holders to the transfer of their policies has been procured, or an equitable settlement and the payment of the cash value of all policies, or contracts of every kind, has been made and certified to the auditor of state.

**SEC. 2.** And the original section 3597, of chapter ten (10), be and the same is hereby repealed; and this act shall be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*

R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 15, 1880.

Page 267  
Sec. 3597.  
81 O.L. 179.  
Upper Act.

Life insurance company may reinsure risks.

Not authorized to take risks of another company until consent of policy-holders is obtained.

[House Bill No. 418.]

## AN ACT

To amend section 7058 of the revised statutes of Ohio.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Ohio,* That section 7058 of the revised statutes of Ohio be so amended as to read as follows:

Section 7058. A judge of an election who knowingly receives, or sanctions the reception of a vote from any person not having all the qualifications of an elector prescribed by law, or receives or sanctions the reception of a ballot from any person who refuses to answer any question put to him in accordance with the requirements of the laws of this state relating to elections, or refuses to take the oath prescribed by the laws aforesaid, or refuses, or sanctions the refusal of any other judge of the election board to which the judge belongs, to administer any oath required by the laws aforesaid to be administered, or refuses to receive, or sanctions the rejection of, a ballot from any person, knowing him to have all the qualifications of an elector prescribed by law, or refuse, if requested, to permit the respective candidates at such an election, or not exceeding three of the friends of each of

Misconduct of officers of election, how punished.

such candidates, to be present in the room where the judges are during the time of receiving and counting out the ballots; and a judge or clerk of an election, on whom any duty is enjoined by the laws of this state relating to elections, who willfully neglects any such duty, or is guilty of any corrupt conduct in the execution of the same, shall be fined not more than one thousand nor less than three hundred dollars, and imprisoned not more than six nor less than three months. [78 v. 157.]

SEC. 2. Said original section 7058 is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 15, 1880.

[Senate Bill No. 236.]

#### AN ACT

To authorize certain townships to build railroads, and to lease or operate the same.

#### [JEFFERSON TOWNSHIP, GUERNSEY COUNTY.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That whenever in any township which by the federal census of 1870 had, and which by any subsequent federal census may have, a population of nine hundred and four (904), the township trustees thereof shall, by a resolution passed by a majority of the members elected thereto, declare it to be essential to the interests of such township that a line of railway, to be named in said resolution, should be provided between termini designated therein, in said township, not exceeding seven miles in length, it shall be lawful for a board of trustees appointed as herein provided, and they are hereby authorized to borrow as a fund for that purpose not to exceed the sum of twenty thousand dollars, and to issue bonds therefor, in the name of said township, bearing interest at a rate not exceeding six per centum per annum, payable semi-annually. Said bonds to be payable at such times and places, and in such sums as shall be deemed best by said board. Said bonds shall be signed and sealed by the president of said board, and attested by the clerk of such township, who shall keep a register of the same, and they shall be secured by a mortgage on the line of railway, and by the pledge of the faith of such township, and a tax which it shall be the duty of the trustees thereof, annually, to levy (which tax shall not exceed five mills on the dollar in any one year), to pay the interest and provide a sinking fund for the final redemption of said bonds: provided, that such

township shall not in any one year levy taxes to a greater amount than twenty mills on the dollar, including the levy for said bonds, and provided, that no money shall be borrowed on bonds issued until after the question of providing the line of railway specified in said resolution shall be submitted to a vote of the qualified electors of such township, at a special election to be ordered by the township trustees thereof, of which not less than twenty days' notice shall be given by posting up notices at not less than five of the most public places in each of the villages in such township, and by publishing for three successive weeks such notice in a newspaper printed in the county wherein such township is located, and of general circulation in such township: further provided, a majority of such electors voting at such election shall decide in favor of such line of railway. The returns of said election shall be made to the clerk of said township, and by him laid before the township trustees, who shall declare the result by resolution. The bonds issued under the authority of this section shall not be sold or disposed of for less than their par value.

SEC. 2. If a majority of the votes cast at said election shall be in favor of providing the line of railway, as specified in the first section, it shall be the duty of the township clerk forthwith to file a petition in the court of common pleas of the county in which such township is located, praying that the judge thereof will appoint five trustees, who shall be electors and freeholders of such township, to be called the trustees of \_\_\_\_\_ railway (the blank to be filled with the name of the railway, as given in the resolution), and it shall be the duty of said judge to make the appointment, and enter the same upon the minutes or journal of the court. They shall enter into bond to the township, in such sum as the court may direct, with one or more sufficient sureties, to be approved by the court, conditioned for the faithful discharge of their duties. The bond so taken shall be deposited with the township treasurer for safe keeping.

SEC. 3. The said board of trustees and their successors shall be the trustees of said fund, and shall have the control and disbursement of the same. They shall expend said fund in procuring the right to construct, and in constructing a railway, with all the proper appendages; and, if deemed necessary, a line of telegraph, between the termini specified in said resolution; and for the purpose aforesaid, shall have the power and capacity to make contracts, appoint, employ, and pay officers and agents, and to acquire, hold, and possess all the necessary real and personal property and franchises. They shall also have power to receive donations of land, money, bonds, and other personal property, and to dispose of the same in aid of said fund.

SEC. 4. The said trustees shall form a board, and shall choose one of their number president, who shall also be the



acting trustee, with such powers as the board may, by resolution, from time to time, confer upon him. A majority of said trustees shall constitute a quorum, and shall hold regular meetings for the transaction of business, at their regular office in the township under whose action they are appointed, but they may adjourn, from time to time, to meet at any place they may think proper. They shall keep a record of their proceedings, and cause to be kept a full and accurate account of their disbursements, and make a report of the same to the township clerk, whenever requested so to do by a resolution of the township trustees. No money shall be drawn from said fund but upon the order of said board, except their own compensation, which shall be paid out of the same upon the recommendation of the township trustees, by resolution, duly adopted and allowed by the court appointing them.

SEC. 5. Said trustees shall have power to take such security from any officer, agent, or contractor chosen, or appointed, or employed by them, as they shall deem advisable. They shall not become surety for any such officer, agent, or contractor, or be interested, directly or indirectly, in any contract concerning said railway. They shall be responsible only for their own acts.

SEC. 6. Whenever the township trustees, or any one of them, of any township under whose action a board of trustees has been appointed, as herein provided, shall have reason to believe that any one of the latter has failed in the faithful performance of his trust, it shall be the duty of such township trustees to apply to the court that appointed said board of trustees, by petition, praying that one may be removed and another be appointed in his place; and if the said township trustees shall fail to make application after the request of any of the holders of any of the bonds issued by said board of trustees, or by a tax-payer of such township, such bondholder or tax-payer may file a petition in his own name, on the behalf of the holders of such bonds, for like relief, in any court having jurisdiction; and if the court hearing the action shall adjudge in favor of the plaintiff, such court shall remove such trustee and appoint another in his stead; and when a vacancy shall occur in said board from any other cause, it shall be filled upon like petition and in like manner.

SEC. 7. Whenever, in the construction of a line of railway, as herein provided, it shall be necessary to appropriate land for the foundation of the abutments or pier of any bridge across any stream, or for any other purpose, or to appropriate any rights or franchises, proceedings shall be commenced and conducted in accordance with the laws in force at the time for the appropriation of such private property for the use of corporations, except that the oath and verdict of the jury and judgment of the court shall be so varied as to suit the case.

SEC. 8. Whenever there shall be, between the termini designated in any resolution passed under this act, a railroad already partially constructed, or rights of way acquired therefor, which can be adopted as parts of the line provided for in said resolution, the trustees of said line may purchase or lease the said railroad, or right of way, and pay for the same out of the trust fund.

SEC. 9. Whenever, in the construction of a line of railway, as herein provided, the said board of trustees shall find it necessary to use or occupy any street, alley, or other public way, space, or ground, or any part thereof of any incorporated village in said township, proceedings shall be commenced and conducted in accordance with the laws in force at the time for the appropriation of such rights or easements by street railway corporations, except that the oath and verdict of the jury and the judgment of the court shall be so varied as to suit the case.

SEC. 10. On the final completion of any line of railway, constructed under the provisions of this act, the board of trustees shall have power to lease the same to any person or persons, or company, as will conform to the terms and conditions, which shall be fixed and provided by the trustees of the township by which the line of railway is owned.

SEC. 11. That the trustees of any township described in this act may, after trustees have been appointed, as provided in this act, advance to said trustees, out of any funds of said township, such sum as is necessary, not exceeding five hundred dollars, for carrying the object for which they were appointed into effect, and said sum shall be repaid out of the trust fund provided for in this act when raised.

SEC. 12. Deeds and contracts may be made, and proceedings for appropriations and actions may be commenced, either in the name of such township providing the line of railway, or in the name of the trustees of \_\_\_\_\_ railway (filling the blank with the name given to the railway in the resolution), and said proceedings may be commenced and conducted, either in the court of common pleas or probate court, as in cases of appropriation for the use of municipal corporations.

SEC. 13. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
 R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 15, 1880.

[Senate Bill No. 242.]

AN ACT

To authorize certain incorporated villages to build railroads, and to lease or operate the same.

[PORT CLINTON.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That whenever in any incorporated village which by the federal census of 1870 had, and which by any subsequent federal census may have, a population of five hundred and forty-three, the village council thereof shall, by resolution passed by a majority of the members elected thereto, declare it to be essential to the interest of such village that a line of railway, to be named in said resolution, should be provided between termini designated therein, one of which shall be such village, and the other not exceeding sixteen miles therefrom; it shall be lawful for a board of trustees appointed as herein provided, and they are hereby authorized to borrow as a fund for that purpose, not to exceed the sum of forty thousand dollars, and to issue bonds therefor, in the name of such incorporated village, under the corporate seal thereof, bearing interest at a rate not to exceed six per centum, payable semi-annually. Said bonds to be payable at such times and places, and in such sums as shall be deemed best by said board. Said bonds shall be signed by the president of said board, and attested by the clerk of such incorporated village, who shall keep a register of the same, and they shall be secured by the pledge of the faith of such village, and a tax which it shall be the duty of the council thereof, annually, to levy (which tax shall not exceed six mills on the dollar in any one year), to pay the interest and provide a sinking fund for the final redemption of said bonds: provided, that such village shall not in any one year levy taxes to a greater amount than twelve mills on the dollar, including the levy for said bonds: and provided, that no money shall be borrowed on bonds issued until after the question of providing the line of railway specified in said resolution shall be submitted to a vote of the qualified electors of such incorporated village, at a special election to be ordered by the village council thereof, of which not less than ten days' notice shall be given in the newspapers published in such village, or in a newspaper of general circulation in such village: and further provided, that two-thirds of said electors voting at such election shall decide in favor of such line of railway. The returns of said election shall be made to the clerk of said incorporated village, and be by him laid before the council, who shall declare the result by resolution. The bonds issued under the authority of this section shall not be sold or disposed of for less than their par value.

SEC. 2. If two-thirds of the votes cast at said election shall be in favor of providing the line of railway, as specified

in the first section, it shall be the duty of the corporation clerk forthwith to file a petition in the court of common pleas in the county in which such village is situated, praying that the judge thereof will appoint five trustees, who shall be electors and freeholders of said village, to be called the trustees of ——— railway (the blank to be filled with the name of the railway as given in the resolution), and it shall be the duty of said judge to make the appointment and enter the same on the minutes or journal of the court. They shall enter into bond to the village in such sum as the court may direct, with one or more sufficient sureties to be approved by the court, conditioned for the faithful performance of their duties; the bond so taken shall be approved by the council of the village and deposited with the treasurer of the corporation for safe keeping.

SEC. 3. The said trustees and their successors shall be the trustees of said fund, and shall have the control and disbursement of the same. They shall expend said fund in procuring the right of way on which to construct, and in constructing a railway, with all the proper appendages; and, if deemed necessary, a line of telegraph, between the termini specified in said resolution; and for the purpose aforesaid, shall have the power and capacity to make contracts, appoint, employ, and pay officers and agents, and to acquire, hold, and possess all the necessary real and personal property and franchises. They shall also have power to receive donations of land, money, bonds, and other personal property, and to dispose of the same in aid of said fund.

SEC. 4. The said trustees shall form a board, and shall choose one of their number president, who shall also be the acting trustee, with such powers as the board may, by resolution, from time to time, confer upon him. A majority of said trustees shall constitute a quorum, and shall hold regular meetings for the transaction of business, at their office in the village under whose action they are appointed, but they may adjourn, from time to time, to meet at any place they may think proper. They shall keep a record of their proceedings, and cause to be kept a full and accurate account of their receipts and disbursements, and make a report of the same to the corporation clerk, annually, and whenever requested so to do by a resolution of the village council. No money shall be drawn from said fund but upon the order of said board, except their own compensation, which shall be paid out of the same upon the recommendation of the council of said village, by resolution, duly adopted and allowed by the court appointing them, and shall be appointed [apportioned] according to their respective services.

SEC. 5. Said trustees shall have power to take such security from any officer, agent, or contractor chosen, or appointed, or employed by them as they shall deem advisable. They shall not become surety for any such officer, agent, or contractor, or be interested, directly or indirectly, in any

contract concerning said railway. They shall be responsible only for their own acts.

SEC. 6. Whenever the corporation clerk of any village under whose action a board of trustees has been appointed, as herein provided, shall have reason to believe that any one of said trustees has failed in the faithful performance of his trust, it shall be his duty to apply to the court that appointed said trustees, by petition, praying that such trustee be removed and another appointed in his place; and if the corporation clerk shall fail to make application in either of the foregoing cases, after request of any of the holders of bonds issued by said trustees, or by a tax-payer of such village, such bondholder or tax-payer may file a petition in his own name, on behalf of the holders of such bonds, for like relief, in any court having jurisdiction; and if the court, upon hearing said action, shall adjudge in favor of such plaintiff, such court shall remove such trustee and appoint another in his stead, and whenever a vacancy shall occur in said board from any other cause, it shall be filled upon like petition and in like manner.

SEC. 7. Whenever, in the construction of a line of railway, as herein provided, it shall be necessary to appropriate land for the foundation of the abutments or pier of any bridge across any stream, or for any other purpose, or to appropriate any rights or franchises, proceedings shall be commenced in accordance with the laws in force at the time for the appropriation of such private property for the use of corporations, except that the oath and verdict of the jury and judgment of the court shall be so varied as to suit the case.

SEC. 8. Whenever there shall be, between the termini designated in any resolution passed under this act, a railroad already partially constructed, or right of way acquired therefor, which can be adopted as parts of the line provided for in said resolution, the trustees of said line may purchase or lease the said railroad, or right of way, and pay for the same out of the trust fund.

SEC. 9. Whenever, in the construction of a line of railway, as herein provided, the said board of trustees shall find it necessary to use or occupy any street, alley, or other public way, space, or ground, or any part thereof belonging to such incorporated village in said township, proceedings shall be commenced and conducted in accordance with the laws in force at the time for the appropriation of such rights or easements by street railway corporations, except that the oath and verdict of the jury and the judgment of the court shall be so varied as to suit the case.

SEC. 10. On the final completion, or at any time during its construction, of any line of railway, constructed under the provisions of this act, the board of trustees shall have power to lease, sell, or convey the same to any person or persons, or company, as will conform to the terms and conditions

which shall be fixed and provided by the council of the incorporated village by which the line of railway is owned.

SEC. 11. That the council of any incorporated village described in this act may, after trustees have been appointed, as provided in this act, advance to said trustees, out of any funds of said village, such sum as is necessary, not exceeding five hundred dollars, for carrying the object for which they were appointed into effect, and said sum shall be repaid out of the trust fund provided for in this act when raised.

SEC. 12. Deeds and contracts may be made, and proceedings for appropriations and actions may be commenced, either in the name of such incorporated village providing the line of railway, or in the name of the trustees of \_\_\_\_\_ railway (filling the blank with the name given to the railway in the resolution), and said proceedings may be commenced and conducted, either in the court of common pleas or probate court, as in other cases of appropriation for the use of municipal corporations.

SEC. 13. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 16, 1880.

[Senate Bill No. 197.]

# AN ACT

To authorize certain townships to build railroads, and to lease or operate the same.

[GOSHEN TOWNSHIP, AUGLAIZE COUNTY.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That whenever in any township which, by the federal census of 1870 had, and which by any subsequent federal census may have, a population of five hundred and twenty-four, the township trustees thereof shall, on the petition of not less than twenty-five resident tax-payers of such township, pass a resolution declaring it to be essential to the interests of such township that a line of railway shall be constructed on the line to be designated in said petition, and said railway shall be named in said resolution, and the termini thereof shall be designated therein, and not to exceed seven miles in length, it shall be lawful for a board of trustees appointed as herein provided, and they are hereby authorized to borrow as a fund for that purpose, not to exceed the sum of ten thousand dollars, and to issue bonds therefor in the name of said township, bearing interest at a rate not exceeding six per centum, payable semi-annually; said bonds to be payable at such times and places, and in

such sums as shall be deemed best by said board. Said bonds shall be signed and sealed by the president of said board, and attested by the clerk of such township, who shall keep a register of the same, and they shall be secured by the pledge of the faith of such township, and a tax which it shall be the duty of the trustees thereof, annually, to levy (which tax shall not exceed three mills on the dollar in any one year), to pay the interest and provide a sinking fund for the final redemption of said bonds: and provided that no money shall be borrowed on bonds issued until after the question of providing the line of railway specified in said resolution shall be submitted to a vote of the qualified electors of such township, at a special election to be ordered by the township trustees thereof, of which not less than twenty days' notice shall be given by posting up notices at not less than five of the most public places in such township, and by publishing for three successive weeks such notice in a newspaper printed in the county wherein such township is located, and of general circulation in such township: further provided, two-thirds of said electors voting at such election shall decide in favor of such line of railway. The returns of said election shall be made to the clerk of said township, and by him laid before the township trustees, who shall declare the result by resolution. The bonds issued under the authority of this section shall not be sold or disposed of for less than their par value.

SEC. 2. If a majority of the votes cast at said election shall be in favor of the construction of the line of railway, as specified in the first section, it shall be the duty of the township trustees to nominate five trustees, who shall be electors and freeholders of said township, to be called the trustees of \_\_\_\_\_ railway (the blank to be filled with the name of the railroad, as given in the aforesaid resolution), and the same nominations shall be forthwith presented to the judge of the court of common pleas, presiding in said county, for his approval or rejection, and in case of his rejecting any of the persons named, then other nominations shall be made in like manner until said board is filled, and when said board shall be full the said judge shall make an order indorsing such appointment on the minutes of the court of which he is judge; he shall also designate the amount of bond to be given by the trustees, each bond to be several and conditioned for the faithful performance of his duty as such trustee; said bond shall be signed by not less than three sureties, and shall be approved by the clerk of said court, and be signed in duplicates, one copy to be filed by the clerk of said court and the other with the treasurer of said township; said trustees shall, before entering upon the discharge of their duties, each take an oath of office that they will faithfully and honestly discharge the duties of their office.

SEC. 3. The said board of trustees and their successors shall be the trustees of said fund, and shall have the control and dis-

bursement of the same. They shall expend said fund in procuring the right to construct and in constructing a railway, with all the proper appendages, and, if deemed necessary, a line of telegraph between the termini specified in said resolution; and for the purposes aforesaid, shall have the power and capacity to make contracts, appoint, employ, and pay officers and agents, and to acquire, hold, and possess all the necessary real and personal property and franchises. They shall also have power to receive donations of land, money, bonds, and other personal property, and to dispose of the same in aid of said fund. The said trustees shall have the right to bring, maintain, and defend all actions, and to sue and be sued, plead and be impleaded, touching the said trust and trust property, in their own names as such trustees, in any of the courts of this state or elsewhere; they shall elect a treasurer, whose duty it shall be to draw from the treasurer of the county all of said trust funds upon the order of the said trustees; and the said treasurer shall give bond in such sum as said trustees shall designate, which bond shall be signed by at least three sureties, and shall be approved by at least four-fifths of said trustees.

SEC. 4. The said trustees shall form a board, and shall choose one of their number president, who shall also be the acting trustee, with such powers as the board may, by resolution, from time to time, confer upon him. A majority of said trustees shall constitute a quorum, and shall hold regular meetings for the transaction of business at their regular office in the township under whose action they are appointed, but they may adjourn, from time to time, to meet at any place they may think proper. They shall keep a record of their proceedings, and cause to be kept a full and accurate account of their disbursements, and make a report of the same to the township clerk whenever requested so to do by a resolution of the township trustees. No money shall be drawn from said fund but upon the order of said board, except their own compensation, which shall be paid out of the same upon the recommendation of the township trustees, by resolution duly adopted, and allowed by the court appointing them.

SEC. 5. Said trustees shall have power to take such security from any officer, agent, or contractor chosen, or appointed, or employed by them as they shall deem advisable. They shall not become surety for any such officer, agent, or contractor, or be interested, directly or indirectly, in any contract concerning said railway. They shall be responsible only for their own acts.

SEC. 6. Whenever the township trustees, or any one of them, of any township under whose action a board of trustees has been appointed, as herein provided, shall have reason to believe that any one or more of said trustees has failed in the faithful performance of his trust, it shall be the duty of such township trustees to apply to the then judge of the



court of common pleas, by petition, alleging such misconduct, and praying that he or they be removed, and that such vacancy be ordered to be filled in the manner heretofore provided for; and if the said township trustees shall fail, upon the written request of not less than five resident tax-payers, or upon the request of any of the householders of said township, then, and in that case, such tax payers or bondholders may file such petition for like relief, in the court of common pleas of said county; and if the court, upon hearing said petition, shall adjudge in favor of such plaintiff, it shall remove such trustee or trustees; and any vacancy from this or any cause, resignation, death, or removal, shall be filled in the manner heretofore provided for.

SEC. 7. Whenever, in the construction of a line of railway, as herein provided, it shall be necessary to appropriate land for the foundation of the abutments or piers of any bridge across any stream, or for any other purpose, or to appropriate any rights or franchises, proceedings shall be commenced and conducted in accordance with the laws in force at the time for the appropriation of such private property for the use of corporations, except that the oath and verdict of the jury and judgment of the court shall be so varied as to suit the case.

SEC. 8. Whenever there shall be, between the termini designated in any resolution passed under this act, a railroad already partially constructed, or right of way acquired therefor, which can be adopted as parts of the line provided for in said resolution, the trustees of said line may purchase or lease the said railroad, or right of way, and pay for the same out of the trust fund.

SEC. 9. Whenever, in the construction of a line of railway, as herein provided, the said board of trustees shall find it necessary to use or occupy any street, alley, or other public way, space, or ground, or any part thereof of any incorporated village in said township, proceedings shall be commenced and conducted in accordance with the laws in force at the time for the appropriation of such rights or easements by street railway corporations, except that the oath and verdict of the jury and the judgment of the court shall be so varied as to suit the case.

SEC. 10. On the final completion of any line of railway, constructed under the provisions of this act, the board of trustees shall have power to lease the same to any person or persons, or company, as will conform to the terms and conditions which shall be fixed and provided by the trustees of the township by which the line of railway is owned.

SEC. 11. Deeds and contracts may be made, and proceedings for appropriations and actions may be commenced, either in the name of such township providing the line of railway, or in the name of the trustees of ——— railway (filling the blank with the name given to the railway in the resolution), and said proceedings may be commenced and con.

ducted either in the court of common pleas or probate court, as in cases of appropriation for the use of municipal corporations.

SEC. 12. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 16, 1880.

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[Senate Bill No. 233.]

AN ACT

To provide for the appropriation of private property for children's homes in certain counties therein named.

[ROSS COUNTY.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That in every county of this state, which, at the last federal census had, and which at any subsequent census may have, a population of thirty-seven thousand and ninety-seven (37,097), and no more, and in which the question of providing a children's home has been submitted to a vote and decided in the affirmative, the county commissioners of every such county, if they shall be unable to agree with the owner or owners of such real estate as they may deem necessary, to provide a site for the location of the buildings for such children's home and the grounds necessary therefor, for the purchase and sale of the same, said commissioners may appropriate such real estate for the purpose of erecting a children's home thereon, as, in their opinion, is necessary therefor; and for this purpose they shall cause an accurate survey and description of the parcel of land needed for such purpose to be made, and shall file the same with the probate judge of the county, and thereupon the same proceedings shall be had as are provided for the appropriation of private property by municipal corporations.

SEC. 2. That this act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 16, 1880.

[Senate Bill No. 162.]

## AN ACT

To amend section 2271 of the revised statutes.

Page 280  
Sec. 2271.  
Amended  
81 O.L.86.

Limitation  
of assess-  
ments in  
cities of first  
class, and in  
counties con-  
taining a  
city of first  
grade of first  
class.

Assessments  
in cities of  
second grade  
first class to  
be upon  
abutting  
property.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 2271 of the revised statutes be amended so as to read as follows:

Section 2271. In cities of the first class, or in corporations in counties containing a city of the first grade of the first class, the tax or assessment specially levied or assessed upon any lot or land for any improvement shall not, except as provided in section twenty-two hundred and seventy-two, exceed twenty-five per centum of the value of such lot or land as it appears on the county duplicate at the time such assessment is made, and the cost exceeding that per centum shall be paid by the corporation out of its general revenue; and, except as provided in section twenty-two hundred and seventy-two, there shall not be collected of such assessment, in any one year, more than one-tenth of such value of the property on which the assessment is made; and in cities of the second grade, first class, whenever any street or avenue is opened, extended, straightened, or widened, the assessment for the cost and expense thereof shall be assessed only on the lots and lands abounding and abutting on said street or avenue so improved: provided, that nothing in this section contained shall apply to any improvement ordered commenced, or completed prior to the passage of this act.

SEC. 2. Section 2271 of the revised statutes, in force January 1, 1880, is hereby repealed.

SEC. 3. This act shall take effect from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 16, 1880.

[Senate Bill No. 169.]

## AN ACT

To amend sections 4830 and 4836 of the revised statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That sections 4830 and 4836 of the revised statutes of Ohio be so amended as to read as follows:

Section 4830. They may improve, by grading, graveling, or macadamizing any unfinished turnpike road, plank road, or other graded road of five degrees or less, other than such as charge and receive tolls, and when the grading has al-

ready been done, and the bridges and culverts already built, one-half of the cost of such improvements shall be assessed upon the land owners along and adjacent to the line of the road, as provided in this chapter, and one half upon the grand duplicate of the county.

Section 4836. When the report is filed, the commissioners shall, unless such report shows that there is no public necessity for the contemplated improvement, enter on their records an order that the improvement be made, which order shall state the kind of improvement, the width, and extent of the same, and the lands which shall be assessed for the expenses thereof; but such order shall not be made until a majority of the resident land owners of the county whose lands are reported as benefited, and ought to be assessed, subscribe the petition mentioned in section forty-eight hundred and thirty-one; in determining such majority, minor heirs shall not be counted for or against the improvement, unless represented by legal guardian, and the action of such guardian shall be binding upon such minor heirs; and all heirs or owners, either adults or minors, to any undivided estate, shall only be entitled to one vote for or against such improvement.

SEC. 2. That said original section 4830 and 4836 be and the same are hereby repealed; and this act shall take effect and be in force from and after its passage.

JOHN A. WILLIAMSON,

*Speaker pro tem. of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Passed April 16, 1860.

[Senate Bill No. 180.]

#### AN ACT

To authorize certain townships to build railroads, and to lease or operate the same.

[WILLS TOWNSHIP, GUERNSEY COUNTY.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That whenever in any township, which by the federal census of 1870 had, and which by any subsequent federal census may have, a population of sixteen hundred and seventy (1670), the township trustees thereof shall, by a resolution passed by a majority of the members elected thereto, declare it to be essential to the interests of such township that a line of railway, to be named in said resolution, should be provided between termini designated therein, in the said township, not exceeding seven miles in length, it shall be lawful for a board of trustees appointed as herein provided, and they are hereby authorized to borrow as a fund for that purpose not to exceed the sum of thirty thousand

County commissioners may improve unfinished turnpike or plank road.

Proceedings after report of viewers is filed.

Page 281  
Sec. 4836.  
Amended.  
78 O.L. 92.

dollars, and to issue bonds therefor, in the name of said township, bearing interest at a rate not exceeding six per centum per annum, payable semi-annually. Said bonds to be payable at such time and places, and in such sums as shall be deemed best by said board. Said bonds shall be signed and sealed by the president of said board, and attested by the clerk of such township, who shall keep a register of the same, and they shall be secured by a mortgage on the line of railway and by the pledge of the faith of such township, and a tax which it shall be the duty of the trustees thereof, annually, to levy (which tax shall not exceed five mills on the dollar in any one year), to pay interest and provide a sinking fund for the final redemption of said bonds: provided, that such township shall not in any one year levy taxes to a greater amount than twenty mills on the dollar, including the levy for said bonds: and provided, that no money shall be borrowed or bonds issued until after the question of providing the line of railway specified in said resolution shall be submitted to the qualified electors of such township, at a special election to be ordered by the township trustees thereof, of which not less than twenty days' notice shall be given by posting up notices at not less than five of the most public places in each of the villages in such township, and by publishing for three successive weeks such notice in a newspaper printed in the county wherein such township is located, and of general circulation in such township: further provided, a majority of said electors, voting at such election, shall decide in favor of such line of railway. The returns of said election shall be made to the clerk of said township, and by him laid before the township trustees, who shall declare the result by resolution. The bonds issued under the authority of this section shall not be sold or disposed of for less than their par value.

SEC. 2. If a majority of the votes cast at said election shall be in favor of providing the line of railway, as specified in the first section, it shall be the duty of the township clerk, forthwith, to file a petition in the court of common pleas of the county in which such township is located, praying that the judge thereof will appoint five trustees, who shall be electors and freeholders of said township, to be called the trustees of \_\_\_\_\_ railway (the blank to be filled with the name of the railway, as given in the resolution), and it shall be the duty of said judge to make the appointment, and enter the same upon the minutes or journal of the court. They shall enter into bond to the township in such sum as the court may direct, with one or more sufficient sureties, to be approved by the court, conditioned for the faithful discharge of their duties. The bond so taken shall be deposited with the township treasurer for safe keeping.

SEC. 3. The said board of trustees and their successors shall be the trustees of said fund, and shall have the control and disbursement of the same. They shall expend said fund in

procuring the right to construct, and in constructing a railway, with all the proper appendages, and, if deemed necessary, a line of telegraph between the termini specified in said resolution, and, for the purpose aforesaid, shall have the power and capacity to make contracts, appoint, employ, and pay officers and agents, and to acquire, hold, and possess all the necessary real and personal property and franchises. They shall also have power to receive donations of land, money, bonds, and other personal property, and to dispose of the same in aid of said fund.

SEC. 4. The said trustees shall form a board, and shall choose one of their number president, who shall also be the acting trustee, with such powers as the board may, by resolutions, from time to time, confer upon him. A majority of said trustees shall constitute a quorum, and shall hold regular meetings for the transaction of business, at their regular office in the township under whose action they are appointed, but they may adjourn from time to time, to meet at any place they may think proper. They shall keep a record of their proceedings, and cause to be kept a full and accurate account of their disbursements, and make a report of the same to the township clerk, whenever requested so to do by a resolution of the township trustees. No money shall be drawn from said fund but upon the order of said board, except their own compensation, which shall be paid out of the same upon the recommendation of the township trustees, by resolution duly adopted, and allowed by the court appointing them.

SEC. 5. Said trustees shall have power to take such security from any officer, agent, or contractor chosen, or appointed, or employed by them, as they shall deem advisable. They shall not become surety for any such officer, agent, or contractor, or be interested, directly or indirectly, in any contract concerning said railway. They shall be responsible only for their own acts.

SEC. 6. Whenever the township trustees, or any one of them, of any township under whose action a board of trustees has been appointed as herein provided, shall have reason to believe that any one of the latter has failed in the faithful performance of his trust, it shall be the duty of such township trustees to apply to the court that appointed said board of trustees, by petition, praying that one be removed and another be appointed in his place; and if the said township trustees shall fail to make application after request of any of the holders of the bonds issued by said board of trustees, or by a tax-payer of such township, such bondholder or tax-payer may file a petition in his own name, on the behalf of the holders of such bonds, for like relief, in any court having jurisdiction; and if the court hearing the action shall adjudge in favor of the plaintiff, then such court shall remove such trustee and appoint another in his stead; and when a vacancy shall occur in

said board from any other cause, it shall be filled upon like petition and in like manner.

SEC. 7. Whenever, in the construction of a line of railway as herein provided, it shall be necessary to appropriate land for the foundation of the abutments or pier of any bridge across any stream, or for any other purpose, or to appropriate any rights or franchises, proceedings shall be commenced and conducted in accordance with the laws in force at the time for the appropriation of such private property for the use of corporations, except that the oath and verdict of the jury, and judgment of the court, shall be varied to suit the case.

SEC. 8. Whenever there shall be, between the termini designated in any resolution passed under this act, a railroad already partially constructed, or rights of way acquired therefor, which can be adopted as parts of the line provided for in said resolution, the trustees of said line may purchase or lease the said railroad or right of way, and pay for the same out of the trust fund.

SEC. 9. Whenever, in the construction of a line of railway as herein provided, the said board of trustees shall find it necessary to use or occupy any street, alley, or other public way, space, or ground, or any part thereof, of any incorporated village in said township, proceedings shall be commenced and conducted in accordance with the laws in force at the time for the appropriation of such rights or easements by street railway corporations, except that the oath and verdict of the jury, and the judgment of the court, shall be so varied as to suit the case.

SEC. 10. On the final completion of any line of railway, constructed under the provisions of this act, the board of trustees shall have power to lease the same to any person or persons, or company, as will conform to the terms and conditions which shall be fixed and provided by the trustees of the township by which the line of railway is owned.

SEC. 11. That the trustees of any township described in this act may, after trustees have been appointed as provided in this act, advance to said trustees, out of any funds of said township, such sum as is necessary, not exceeding five hundred dollars, for carrying the object for which they were appointed into effect, and said sum shall be repaid out of the trust fund provided for in this act when raised.

SEC. 12. Deeds and contracts may be made, and proceedings for appropriations and actions may be commenced, either in the name of such township providing the line of railway, or in the name of the trustees of \_\_\_\_\_ railway (filling the blank with the name given to the railway in the resolution), and said proceedings may be commenced and conducted, either in the court of common pleas or probate court, as in cases of appropriation for the use of municipal corporations.

SEC. 13. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
 R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 16, 1880.

[Senate Bill No. 214.]

AN ACT

To authorize certain townships to build railroads, and to lease or operate the same.

[HARRISON TOWNSHIP, PREBLE COUNTY]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That whenever in any township, which by the federal census of 1870 had, and which by any subsequent federal census may have, a population of two thousand two hundred and ninety-four, the township trustees thereof shall, by a resolution passed by a majority of the members elected thereto, declare it to be essential to the interests of such township that a line of railway, to be named in said resolution, should be provided between termini designated therein, in the said township, not exceeding seven miles in length, it shall be lawful for a board of trustees, appointed as herein provided, and they are hereby authorized to borrow, as a fund for that purpose, not to exceed the sum of forty thousand dollars, and to issue bonds therefor in the name of said township, bearing interest at a rate not exceeding six per centum per annum, payable semi-annually. Said bonds to be payable at such time and places, and in such sums, as shall be deemed best by said board. Said bonds shall be signed and sealed by the president of said board, and attested by the clerk of such township, who shall keep a register of the same, and they shall be secured by a mortgage on the line of railway, and by the pledge of the faith of such township, and a tax, which it shall be the duty of the trustees thereof, annually, to levy (which tax shall not exceed two and one-half mills on the dollar in any one year), to pay interest and provide a sinking fund for the final redemption of said bonds: provided, that no money shall be borrowed or bonds issued until after the question of providing the line of railway specified in said resolution shall be submitted to a vote of the qualified electors of such township, at a special election to be ordered by the township trustees thereof, of which not less than twenty days' notice shall be given by posting up notices at not less than five of the most public places in each of the villages in such township, and by publishing for three successive weeks such notice in a newspaper printed in the county wherein such township is located, and of general cir-



culation in such township: further provided, two-thirds of said electors voting at such election shall decide in favor of such line of railway. The returns of said election shall be made to the clerk of said township, and by him laid before the township trustees, who shall declare the result by resolution. The bonds issued under the authority of this section shall not be sold or disposed of for less than their par value.

SEC. 2. If a majority of the votes cast at said election shall be in favor of providing the line of railway, as specified in the first section, it shall be the duty of the township clerk, forthwith, to file a petition in the court of common pleas of the county in which such township is located, praying that the judge thereof will appoint five trustees, who shall be electors and freeholders of said township, to be called the trustees of ——— railway (the blank to be filled with the name of the railway, as given in the resolution), and it shall be the duty of said judge to make the appointment, and enter the same upon the minutes or journal of the court. They shall enter into bond to the township in such sum as the court may direct, with one or more sufficient sureties, to be approved by the court, conditioned for the faithful discharge of their duties. The bond so taken shall be deposited with the township treasurer for safe keeping.

SEC. 3. The said board of trustees and their successors shall be the trustees of said fund, and shall have the control and disbursement of the same. They shall expend said fund in procuring the right to construct, and in constructing a railway with all the proper appendages; and, if deemed necessary, a line of telegraph between the termini specified in said resolution, and for the purpose aforesaid shall have the power and capacity to make contracts, appoint, employ, and pay officers and agents, and to acquire, hold, and possess all the necessary real and personal property and franchises. They shall also have power to receive donations of land, money, bonds, and other personal property, and to dispose of the same in aid of said fund.

SEC. 4. The said trustees shall form a board, and shall choose one of their number president, who shall also be the acting trustee, with such powers as the board may, by resolutions, from time to time, confer upon him. A majority of said trustees shall constitute a quorum, and shall hold regular meetings for the transaction of business, at their regular office in the township under whose action they are appointed; but they may adjourn, from time to time, to meet at any place they may think proper. They shall keep a record of their proceedings, and cause to be kept a full and accurate account of their disbursements, and make a report of the same to the township clerk whenever requested so to do by a resolution of the township trustees. No money shall be drawn from said fund but upon the order of said board, except their own compensation, which shall be paid out of the

same upon the recommendation of the township trustees, by resolution duly adopted, and allowed by the court appointing them.

SEC. 5. Said trustees shall have power to take such security from any officer, agent, or contractor chosen or appointed or employed by them, as they shall deem advisable. They shall not become surety for any such officer, agent, or contractor, or be interested, directly or indirectly, in any contract concerning said railway. They shall be responsible only for their own acts.

SEC. 6. Whenever the township trustees, or any one of them, of any township under whose action a board of trustees has been appointed, as herein provided, shall have reason to believe that any one of the latter has failed in the faithful performance of his trust, it shall be the duty of such township trustees to apply to the court that appointed said board of trustees, by petition, praying that one be removed and another appointed in his place; and if the said township trustees shall fail to make application after request of any of the holders of the bonds issued by said board of trustees, or by a tax-payer of such township, such bondholder or tax-payer may file a petition in his own name, on the behalf of the holders of such bonds, for like relief, in any court having jurisdiction; and if the court hearing the action shall adjudge in favor of the plaintiff, such court shall remove such trustee and appoint another in his stead; and when a vacancy shall occur in said board from any other cause, it shall be filled upon like petition and in like manner.

SEC. 7. Whenever, in the construction of a line of railway, as herein provided, it shall be necessary to appropriate land for the foundation of the abutments or pier of any bridge across any stream, or for any other purpose, or to appropriate any rights or franchises, proceedings shall be commenced and conducted in accordance with the laws in force at the time for the appropriation of such private property for the use of corporations, except that the oath and verdict of the jury and judgment of the court shall be varied to suit the case.

SEC. 8. Whenever there shall be, between the termini designated in any resolution passed under this act, a railroad already partially constructed, or right of way acquired therefor, which can be adopted as parts of the line provided for in said resolution, the trustees of said line may purchase or lease the said railroad, or right of way, and pay for the same out of the trust fund.

SEC. 9. Whenever, in the construction of a line of railway, as herein provided, the said board of trustees shall find it necessary to use or occupy any street, alley, or other public way, space, or ground, or any part thereof, of any incorporated village in said township, proceedings shall be commenced and conducted in accordance with the laws in force at the time for the appropriation of such rights or easements

by street railway corporations, except that the oath and verdict of the jury and the judgment of the court shall be so varied as to suit the case.

SEC. 10. On the final completion of any line of railway, constructed under the provisions of this act, the board of trustees shall have power to lease the same to any person or persons, or company, as will conform to the terms and conditions which shall be fixed and provided by the trustees of the township by which the line of railway is owned.

SEC. 11. That the trustees of any township described in this act may, after trustees have been appointed as provided in this act, advance to said trustees, out of any funds of said township, such sum as is necessary, not exceeding five hundred dollars, for carrying the object for which they were appointed into effect; and said sum shall be repaid out of the trust fund provided for in this act, when raised.

SEC. 12. Deeds and contracts may be made, and proceedings for appropriations and actions may be commenced, either in the name of such township providing the line of railway, or in the name of the trustees of ——— railway (filling the blank with the name given to the railway in the resolution), and said proceedings may be commenced and conducted, either in the court of common pleas or probate court, as in cases of appropriation for the use of municipal corporations.

SEC. 13. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of Senate.*

Passed April 16, 1880.

[Senate Bill No. 211]

#### AN ACT

To authorize certain townships to build railroads and to lease or operate the same.

[TWIN TOWNSHIP, PREBLE COUNTY.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That whenever in any township which by the federal census of 1870 had, and which by any subsequent federal census may have, a population of seventeen hundred and ninety-nine, the township trustees thereof shall, on the petition of not less than twenty-five resident tax-payers of such township, pass a resolution declaring it to be essential to the interests of such township that a line of railway shall be constructed on the line to be designated in said petition, and said railway shall be named in said resolution, and the termini thereof shall be designated therein, and not to ex

ceed seven miles in length; it shall be lawful for a board of trustees appointed as herein provided, and they are hereby authorized to borrow as a fund for that purpose, not to exceed the sum of thirty-five thousand dollars, and to issue bonds therefor, in the name of said township, bearing interest at a rate not exceeding six per centum, payable semi-annually. Said bonds to be payable at such times and places, and in such sums as shall be deemed best by said board. Said bonds shall be signed and sealed by the president of said board, and attested by the clerk of such township, who shall keep a register of the same, and they shall be secured by a pledge of the faith of such township, and a tax which it shall be the duty of the trustees thereof, annually, to levy (which tax shall not exceed two and one-half mills on the dollar in any one year), to pay interest and provide a sinking fund for the final redemption of said bonds: and provided, that no money shall be borrowed or bonds issued until after the question of providing the line of railway specified in said resolution shall be submitted to a vote of the qualified electors of such township, at a special election to be ordered by the township trustees thereof, of which not less than twenty days' notice shall be given by posting up notices at not less than five of the most public places in such township, and by publishing for three successive weeks such notice in a newspaper printed in the county wherein such township is located, and of general circulation in such township: further provided, two-thirds of said electors voting at such election shall decide in favor of such line of railway. The returns of said election shall be made to the clerk of said township, and by him laid before the township trustees, who shall declare the result by resolution. The bonds issued under the authority of this section shall not be sold or disposed of for less than their par value.

SEC. 2. If a majority of the votes cast at said election shall be in favor of the construction of the line of railway, as specified in the first section, it shall be the duty of the township trustees to nominate five trustees, who shall be electors and freeholders of said township, to be called the trustees of \_\_\_\_\_ railway (the blank to be filled with the name of the railroad, as given the aforesaid resolution), and the same nominations shall be forthwith presented to the judge of the court of common pleas, presiding in said county, for his approval or rejection, and in case of his rejecting any of the persons named, then other nominations shall be made in like manner until said board is filled, and when said board shall be full, the said judge shall make an order indorsing such appointment on the minutes of the court of which he is judge, he shall also designate the amount of bond to be given by the trustee, each bond to be several and conditioned for the faithful performance of his duties as such trustee; said bond shall be signed by not less than three sureties, and shall be approved by the clerk of said court, and be signed

in duplicates, one copy to be filed with the clerk of said court and the other with the treasurer of said township; said trustees shall, before entering upon the discharge of their duties, each take an oath of office that they will faithfully and honestly discharge the duties of their office.

SEC. 3. The said board of trustees and their successors shall be the trustees of said fund, and shall have the control and disbursement of the same. They shall expend said fund in procuring the right to construct, and in constructing a railway, with all the proper appendages; and if deemed necessary, a line of telegraph, between the termini specified in said resolution; and for the purpose aforesaid, shall have the power and capacity to make contracts, appoint, employ, and pay officers and agents, and to acquire, hold, and possess all the necessary real and personal property and franchises. They shall also have power to receive donations of land, money, bonds, and other personal property, and to dispose of the same in aid of said fund. The said trustees shall have the right to bring, maintain, and defend all actions, and to sue and be sued, plead and be impleaded, touching the said trust and trust property, in their own names, as such trustees, in any of the courts of this state or elsewhere; they [shall] elect a treasurer, whose duty it shall be to draw from the treasurer of the county all of said trust funds, upon the order of the said trustees; and the said treasurer shall give bond in such sum as said trustees shall designate, which bond shall signed by at least three sureties, and shall be approved by at least four-fifths of said trustees.

SEC. 4. The said trustees shall form a board, and shall choose one of their number president, who shall also be the acting trustee, with such powers as the board may, by resolution, from time to time, confer upon him. A majority of said trustees shall constitute a quorum, and shall hold regular meetings for the transaction of business, at their regular office in the township under whose action they are appointed, but they may adjourn, from time to time, to meet at any place they may think proper. They shall keep a record of their proceedings, and cause to be kept a full and accurate account of their disbursements, and make a report of the same to the township clerk, whenever requested so to do by a resolution of the township trustees. No money shall be drawn from said fund but upon the order of said board, except their own compensation, which shall be paid out of the same upon the recommendation of the township trustees, by resolution, duly adopted and allowed by the court appointing them.

SEC. 5. Said trustees shall have power to take such security from any officer, agent, or contractor chosen, or appointed, or employed by them as they shall deem advisable. They shall not become surety for any such officer, agent, or contractor, or be interested, directly or indirectly, in any contract

concerning said railway. They shall be responsible only for their own acts.

SEC. 6. Whenever the township trustees, or any one of them, of any township under whose action a board of trustees has been appointed, as herein provided, shall have reason to believe that any one or more of said trustees has failed in the faithful performance of his trust, it shall be the duty of such township trustees to apply to the then judge of court of common pleas, by petition, alleging such misconduct and praying that he or they be removed, and that such vacancy be ordered to be filled in the manner heretofore provided for; and if the said township trustees shall fail, upon the written request of not less than five resident tax-payers, or upon the request of any of the householders of said township, then in that case such tax-payers or bondholders may file such petition, for like relief, in the court of common pleas of said county; and if the court, upon hearing said petition, shall adjudge in favor of such plaintiff, it shall remove such trustee or trustees; and any vacancy from this or any cause death, resignation, or removal, shall be filled in the manner heretofore provided for.

SEC. 7. Whenever, in the construction of a railway, as herein provided, it shall be necessary to appropriate land for the foundation of the abutments or pier of any bridge across any stream, or for any other purpose, or to appropriate any rights or franchises, proceedings shall be commenced and conducted in accordance with the laws in force at the time for the appropriation of such private property for the use of corporations, except that the oath and verdict of the jury and judgment of the court shall be so varied to suit the case.

SEC. 8. Whenever there shall be, between the termini designated in any resolution passed under this act, a railroad already partially constructed, or rights of way acquired therefor, which can be adopted as parts of the line provided for in said resolution, the trustees of said line may purchase or lease the said railroad, or right of way, and pay for the same out of the trust fund.

SEC. 9. Whenever in the construction of a line of railway, as herein provided, the said board of trustees shall find it necessary to use or occupy any street, alley, or other public way, space, or ground, or any part thereof or [of] any incorporated village in said township, proceedings shall be commenced and conducted in accordance with the laws in force at the time for the appropriation of such rights or easements by street railway corporations, except that the oath and verdict of the jury and judgment of the court shall be so varied as to suit the case.

SEC. 10. On the final completion of any line of railway, constructed under the provisions of this act, the board of trustees shall have power to lease the same to any person or persons, or company, as will conform to the terms and con-

ditions which shall be fixed and provided by the trustees of the township by which the line of railway is owned.

SEC. 11. That the trustees of any township described in this act may, after trustees have been appointed, as provided in this act, advance to said trustees, out of any funds of said township, such sum as is necessary, not exceeding five hundred dollars, for carrying the object for which they were appointed into effect, and said sum shall be repaid out of the trust fund provided for in this act when raised.

SEC. 12. Deeds and contracts may be made, and proceedings for appropriations and actions may be commenced, either in the name of such township providing the line of railway, or in the name of the trustees of ——— railway (filling the blank with the name given to the railway in the resolution), and said proceedings may be commenced and conducted, either in the court of common pleas or probate court, as in cases of appropriation for the use of municipal corporations.

SEC. 13. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,

*Speaker of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Passed April 16, 1880.

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[Senate Bill No. 230.]

# AN ACT

To authorize townships and municipal corporations to purchase grounds, build and operate railroad machine shops.

[CAMBRIDGE TOWNSHIP, GUERNSEY COUNTY.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That any township in the state having, by the last federal census, a population of thirty-six hundred and twenty-four (3624) inhabitants, or any municipal corporation having, by the federal census, a population of twenty-one hundred and ninety-three, be and the same is hereby authorized to issue the bonds of such township or corporation, as hereinafter provided, not exceeding in amount one per cent. of the taxable valuation of the property thereof, as shown by the tax duplicate thereof, and negotiate the same for the purpose of purchasing grounds, building railroad machine shops, leasing and operating the same for said purpose.

SEC. 2. That the bonds so provided for shall be issued in sums of not less than one hundred dollars each, with coupons attached, bearing interest from date, at a rate not exceeding

six per cent. per annum, payable semi-annually, at such time and place as may be fixed by the trustees of such township, or the council of such corporation, to be therein specified, and to be signed by the trustees and clerk of such township, or the mayor and clerk of such corporation, which bonds shall not run for more than ten nor less than seven years from the date thereof, and shall not be negotiated for less than their par value.

SEC. 3. Provided, that the powers herein conferred shall not be exercised until the trustees of such township, or the council of such corporation, shall be authorized by a majority of the qualified electors thereof, voting at any general or special election he'd therein, upon the petition of not less than twenty-five resident tax-payers of such township or corporation, asking that such vote be taken, when the trustees, or council, shall provide, by resolution, for taking the same, giving thirty days' previous notice of the time, place, and purpose of such election, by advertisement in at least two of the newspapers published in said county, and having a general circulation therein, which election shall be held at the usual place of holding elections in such township or corporation, and conducted by the officers authorized to preside at elections therein. The poll-book and tally sheet thereof to be kept and returned to and opened by the clerk of the court of common pleas, and the result declared as now provided for in the election of justices of the peace.

SEC. 4. The tickets voted at such election shall have written or printed thereon the words "Machine shops, yes," "Machine shops, no," and if the canvass of the votes so cast, and opened as aforesaid, shall show that two-thirds of the ballots so cast were in favor of the proposition voted for, then the trustees of such township, or council of such corporation, shall, by resolution, proceed to issue the bonds as provided for in this act, and make provisions, by a levy not exceeding two mills in any one year upon the property of said township or corporation at the next annual assessment, for the payment of the principal and interest accruing thereon.

SEC. 5. That said trustees or council shall thereupon proceed to construct the necessary buildings under proper plans for the same, and when completed are hereby authorized and empowered to operate, lease, or sell the same, in such manner and upon such terms as in their opinion will best serve the interests of said township or corporation, said shops not to be used for any other than railroad purposes.

SEC. 6. This act shall take effect and be in force from and after its passage.

THOS. A COWGILL,  
*Speaker of the House of Representatives.*  
 R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 16, 1880.



[Senate Bill No. 85.]

## AN ACT

To amend section one of an act passed and took effect April 16, 1867, entitled "an act to authorize and require the payment of bounties to volunteer soldiers."

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section one of an act passed and took effect April 16, 1867, be so amended as to read as follows :

294, § 1.  
Sup  
82 v. 119.

bounty for  
re-enlisted  
veteran vol-  
unteers.

Section 1. That the commissioners of the several counties, the trustees of the several townships, and the city councils of the several cities of this state, are hereby authorized and required to issue to each re-enlisted veteran volunteer who has heretofore been credited, as shown by the muster and descriptive rolls, or otherwise, upon the quota of such county, township, or city, or any ward of such city, under any requisition of the president of the United States for volunteers during the late rebellion, and who has not received any local bounty upon said enlistment, a warrant for the sum of one hundred dollars, or a bond for a like sum bearing six per cent. interest, redeemable at the pleasure of such commissioners, trustees, city councils, one year after the date thereof; and when such veteran volunteer has been credited upon the quota of the state at large, or has been so indefinitely credited as that the credit could only pass to the state as shown by the muster and descriptive rolls, then the auditor of state is hereby authorized and required to issue his warrant upon the state treasury to such volunteer for the sum of one hundred dollars, which shall be paid by the treasurer of state out of any funds in the treasury not otherwise appropriated; and in all cases where such volunteer has received a bounty of less sum than one hundred dollars on such enlistment, then it shall be the duty of the state auditor, county commissioners, township trustees, or city councils, as the case may be, to issue a warrant, or bond, as above specified, to such volunteer for the difference between the amount already received, and the amount he would by this act be entitled to receive, if he had not received any such bounty. To determine the number of those credited to congressional districts, that properly belong to each county of the district, the adjutant-general is hereby required to apportion, among the several counties of each district, the number so assigned, in proportion to population, and notify the county commissioners of the number assigned to their several counties; the commissioners shall then proceed as required in this section: provided, that any county having previously paid the bounty to any volunteer credited to the congressional district, shall deduct the amount so paid from the amount to be levied on said county: provided, however, when the muster and descriptive rolls were not received by the adjutant-general in time for the credit therein shown to be applied

upon any quota, then the auditor of state shall issue his warrant on the state treasury in favor of such soldier, as in the case of credits to the state at large. And in all cases where the commissioners of any county, the trustees of any township, or the council of any city, in this state, has promised to any volunteer, under any requisition of the president, a bounty, and such volunteer has received from such county, township, or city, in settlement of such a bounty, or any part thereof, any bond, certificate, scrip, or promise to pay, in writing, by the provisions of which payment was to be made; in case any subsequent legislation should authorize such commissioners, trustees, or council to levy a tax for the payment of the same, and such bond, certificate, scrip, or promise in writing has not been paid for want of such authority by the legislature, or for any other reason, and said bond, certificate, scrip, or promise in writing, has not been by such volunteer sold or assigned, then such commissioners, trustees, or council shall issue to such volunteer, or in case of his death, then to his legal representatives, a warrant for the amount of said bond, certificate, scrip, or promise in writing, together with the interest thereon from the date of the issue thereof, or a bond for a like sum, redeemable as herein provided: and in case of the loss or destruction of said bond, certificate, scrip, or promise in writing, the person entitled thereto shall make affidavit of said loss or destruction, and that the same has not been sold or assigned before such person shall receive said warrant or bond as aforesaid: provided, that this act shall not be construed so as to allow any such re-enlisted veteran volunteer who has already received the bounty provided for by the act to which this is amendatory, or who has received one hundred dollars bounty from the state or any county, township, or city under any prior act.

SEC. 2. That section one of an act passed and took effect April 16, 1867, entitled "an act to authorize and require the payment of bounties to volunteers," and an act passed and took effect May 16, 1868, entitled "an act to amend an act entitled an act to amend an act to provide a bounty for volunteers, passed March 7, 1867," be and the same are hereby repealed: provided, that the repeal thereof shall not effect any rights acquired, or liabilities incurred, under said section and act so repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
 R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 16, 1880.

## AN ACT

To establish a board of fire commissioners in cities of the second grade of the second class, who shall have the management and control of the fire department.

Management  
of fire de-  
partment  
vested in a  
board of four  
commis-  
sioners.

Terms of  
commis-  
sioners, va-  
cancies, how  
filled.

President  
and secre-  
tary of  
board.

Quorum.

Vote on ap-  
pointment to  
be recorded.

Meetings of  
board.

Record of  
proceedings.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That in every city which, at the date of the passage of this act, ranks as a city of the second grade of the second class, the management and control of the fire department shall be vested in a board of four commissioners having the qualifications of electors of said city, two of whom shall be appointed from each of the two leading political parties by a two-thirds vote of the city council of said city; two of said commissioners appointed from the same political party shall serve for one and three years respectively, and two of said commissioners appointed from the other political party shall serve for two and four years respectively, and all shall serve until their successors shall be appointed and qualified; annually, thereafter, the said city council shall, in like manner, appoint a commissioner of like qualification and from the same political party as the commissioner whom he succeeds, who shall serve for four years and until his successor is appointed and qualified. And the said city council shall, in like manner, fill all vacancies in said board by appointing, for the unexpired terms, commissioners from the same political party as those whom they succeed; and all the members of said board shall serve without compensation.

SEC. 2. The member of said board having the shortest term to serve shall be the president thereof; and the chief of the fire department shall serve as the secretary of said board as a part of his duty.

SEC. 3. A majority of the members of the board shall constitute a quorum for the transaction of business, but no appointment of men shall be valid unless approved by a majority of the board, and the vote as given in making said appointment shall be duly recorded in the minutes by the secretary.

SEC. 4. The board shall hold regular monthly meetings; special meetings may be called by the president or any two members of the board; notice of all special meetings shall be served by the secretary upon each member of the board in person, or by leaving a written notice of the same at their place of residence.

SEC. 5. The board shall cause an accurate record of their proceedings to be made in a book to be provided for that purpose, which shall be received as evidence when certified by the president and secretary; and a majority of the members of the board shall be necessary to order the expenditure of money or to make any contract, and the vote thereon shall be taken by yeas and nays, and entered upon the minutes.

SEC. 6. The board shall prescribe the duties of the officers and members of the department, and from time to time make such rules and regulations for the government of the force as may be found necessary, which said rules and regulations shall have the force and effect of ordinances when approved by the city council.

Board to prescribe duties and make rules for government of force.

SEC. 7. No member of the board or of the department shall be interested in the profits of any contract with the department, and no officer or employe shall have the power to incur any liability on account of the board, unless authorized so to do at a meeting of the board.

No member of force to be interested in contract.

SEC. 8. The board shall make all necessary repairs of houses, engines or other apparatus belonging to the department, purchase all necessary supplies, and contract in the name of the city for new houses, hose, cisterns, or other apparatus.

Board to make repairs, purchase supplies, etc.

SEC. 9. The board shall, on the last Friday in April, annually, certify to the city council the amount necessary to be levied on the tax duplicate for the support of the department for the ensuing year, and so much thereof as may be allowed by the city council (which shall not be reduced below one mill on the dollar on the taxable property in said city), shall form a part of the tax levy and be placed to the credit of the board, and shall be used exclusively for the use of the department; and said board shall have no power to incur any liability on behalf of such city beyond the amount so levied and set apart to their order by the city council, and all claims on account of the department shall be approved by the board, and when so approved, the same shall be paid by the city treasurer, on the order of the board, signed by the president and secretary, in the same manner as provided for the payment of other claims.

Board to certify to council levy for support of department.

Board no power to incur liability beyond amount levied.

SEC. 10. The board shall appoint an executive officer, who shall be known as the chief of the fire department, who shall serve for one year, and who shall have the management of the department in service, and they shall also appoint such members and employes as may be necessary for the efficient management of the department, and said board may discharge or remove, without notice, said chief or any member or employe for inefficiency or for other good and sufficient cause, other than political, and without cause, upon written notice given thirty days prior to removal, provided that all the members of said board concur in said discharge or removal.

Board to appoint chief, and other officers.

SEC. 11. The board shall annually recommend to the city council the salaries to be paid to the officers and members of the department, and the city council shall thereupon fix such salaries, but at no greater rate than that recommended by the board; and when a reduction is made by the city council in the salaries as recommended by the board, the rate per cent. of reduction shall be uniform among all the officers and members of the department.

City council to fix salaries on recommendation of board.

Report of  
board and  
chief of de-  
partment.

SEC. 12. It shall be the duty of said board to make a detailed and accurate account of all the expenses of the department, with the amount appropriated by the city council, to pay said expenses, with the annual report of the chief, giving in detail the doings of the department during the year, which report shall be presented to the city council at its last regular meeting in March, annually.

Fire alarm  
telegraph.

SEC. 13. The fire alarm telegraph shall be attached to the fire department, and under the control and subject to the regulations of the board of fire commissioners; and the chief of the fire department shall be superintendent thereof; and the board may appoint an operator for the management of such alarm telegraph.

Upon ap-  
pointment of  
board city  
council to  
turn over  
property,  
etc.

SEC. 14. Upon the appointment of said board the city council shall turn over to them all the property belonging to the department, and place to their credit all moneys or credits due said department; and the officers and employes of said department, at the time said board shall assume control, shall hold their respective places, subject, however, to discharge or removal as hereinbefore provided.

SEC. 15. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*

R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 16, 1880.

[Senate Bill No. 236.]

#### AN ACT

To amend section 4758 of the revised statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 4758 of the revised statutes of Ohio be and the same is hereby amended so as to read as follows:

Section 4758. The county commissioners of any county, when they become satisfied that the public interest of their county demand and justify special action for the improvement of the roads therein, may appoint three disinterested freeholders of their county as commissioners to view, survey, and locate one or more roads, beginning at and leading from the county seat of the county, or such other and eligible points as may be deemed proper, and running by such direct and eligible route as they may find best for the public convenience, and terminating at any point within or at the county line, but they are not authorized or required to construct or maintain any such road within the corporate limits of the town or city where the county seat is located, when, according to the last federal census, more than one thousand inhabitants are contained in such corporate limits, and for the purpose of improving the streets in such town or city, so much of the tax collected therein for turnpike purposes

298,  
§4758 Am.  
83 v. 70.

When and  
where coun-  
ty commis-  
sioners may  
build turn-  
pikes.

as, in the judgment of the county commissioners, may be necessary for that purpose shall be paid over to the treasurer thereof, to be expended in improving the streets of such town or city.

SEC. 2. That said original section four thousand seven hundred and fifty-eight be and the same is hereby repealed, and this act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,

*Speaker of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Passed April 16, 1880.

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[Senate Bill No. 212.]

AN ACT

To authorize certain townships to build railroads, and to lease or operate the same.

[LANIER TOWNSHIP, PREBLE COUNTY.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That whenever in any township which, by the federal census of 1870, had and which by any subsequent federal census may have, a population of sixteen hundred and thirty-four, the township trustees thereof shall, on the petition of not less than twenty-five resident tax-payers of such township, pass a resolution declaring it to be essential to the interests of such township that a line of railway shall be constructed on the line to be designated in said petition, and said railway shall be named in said resolution, and the termini thereof shall be designated therein, and not to exceed five miles in length. It shall be lawful for a board of trustees, appointed as herein provided, and they are hereby authorized to borrow as a fund for that purpose, not to exceed the sum of thirty-five thousand dollars, and to issue bonds therefor, in the name of said township, bearing interest at a rate not exceeding six per centum, payable semi-annually; said bond to be payable at such times and places, and in such sums as shall be deemed best by said board. Said bonds shall be signed and sealed by the president of said board, and attested by the clerk of such township, who shall keep a register of the same, and they shall be secured by a pledge of the faith of such township, and a tax which it shall be the duty of the trustees thereof, annually, to levy (which tax shall not exceed two and one-half mills on the dollar in any one year) to pay the interest and provide a sinking fund for the final redemption of said bonds: and provided, that no money shall be borrowed or bonds issued until after the question of providing the line of railway specified in said resolution shall

be submitted to a vote of the qualified electors of such township, at a special election to be ordered by the township trustees thereof, of which not less than twenty days notice shall be given by posting up notices at not less than five of the most public places in such township, and by publishing for three successive weeks such notice, in a newspaper printed in the county, wherein such township is located, and of general circulation in such township: further provided, two-thirds of said electors voting at such election shall decide in favor of such line of railway. The returns of said election shall be made to the clerk of said township, and by him laid before the township trustees, who shall declare the result by resolution. The bonds issued under the authority of this section shall not be sold or disposed of for less than their par value.

SEC. 2. If a majority of the votes cast at said election shall be in favor of the construction of the line of railway, as specified in the first section, it shall be the duty of the township trustees to nominate five trustees who shall be electors and freeholders of said township, to be called the trustees of \_\_\_\_\_ railway (the blank to be filled with the name of the railroad as given in the aforesaid resolution), and the same nominations shall be forthwith presented to the judge of the court of common pleas presiding in said county, for his approval or rejection; and in case of his rejecting any of the persons named, then other nominations shall be made in like manner until said board is filled, and when said board shall be full the said judge shall make an order indorsing such appointment on the minutes of the court of which he is judge. He shall also designate the amount of bond to be given by the trustees, each bond to be several, and conditioned for the faithful performance of his duties as such trustee; said bond shall be signed by not less than three sureties, and shall be approved by the clerk of said court, and be signed in duplicates; one copy to be filed with the clerk of said court, and the other with the treasurer of said township; said trustees shall, before entering upon the discharge of their duties, each take an oath of office that they will faithfully and honestly discharge the duties of their office.

SEC. 3. The said board of trustees and their successors shall be the trustees of said fund, and shall have the control and disbursement of the same. They shall expend said fund in procuring the right to construct, and in constructing a railway with all the proper appendages, and, if deemed necessary, a line of telegraph between the termini specified in said resolution, and for the purpose aforesaid, shall have the power and capacity to make contracts, appoint, employ, and pay officers and agents; and to acquire, hold, and possess all the necessary real and personal property and franchises. They shall also have power to receive donations of land, money, bonds, and other personal property, and to dis-

pose of the same in aid of said fund. The said trustees shall have the right to bring, maintain, and defend all actions, and to sue and be sued, plead and be impleaded, touching the said trust and trust property in their own names, as such trustees, in any of the courts of this state or elsewhere. They shall elect a treasurer, whose duty it shall be to draw from the treasurer of the county all of said trust funds upon the order of the said trustees, and the said treasurer shall give bond in such sum as said trustees shall designate, which bond shall be signed by at least three sureties, and shall be approved by at least four-fifths of said trustees.

SEC. 4. The said trustees shall form a board, and shall choose one of their number president, who shall also be the acting trustee, with such powers as the board may, by resolution, from time to time, confer upon him. A majority of said trustees shall constitute a quorum, and shall hold regular meetings for the transaction of business at their regular office in the township under whose action they are appointed; but they may adjourn, from time to time, to meet at any place they may think proper. They shall keep a record of their proceedings, and cause to be kept a full and accurate account of their disbursements, and make a report of the same to the township clerk, whenever requested so to do by the township trustees. No money shall be drawn from said fund but upon the order of said board except their own compensation, which shall be paid out of the same upon the recommendation of the township trustees, by resolution duly adopted and allowed by the court appointing them.

SEC. 5. Said trustees shall have power to take such security from any officer, agent, or contractor chosen, or appointed, or employed by them, as they shall deem advisable. They shall not become surety for any such officer, agent, or contractor, or be interested, directly or indirectly, in any contract concerning said railway. They shall be responsible only for their own acts.

SEC. 6. Whenever the township trustees, or any one of them, of any township under whose action a board of trustees has been appointed as herein provided, shall have reason to believe that any one or more of said trustees has failed in the faithful performance of his trust, it shall be the duty of such township trustees to apply to the then judge of the court of common pleas by petition, alleging such misconduct, and praying that he or they be removed, and that such vacancy be ordered to be filled in the manner heretofore provided for; and if the said township trustees shall fail, upon the written request of not less than five resident tax payers, or upon the request of any of the householders of said township then, in that case, such taxpayers or bondholders may file such petition for like relief in the court of common pleas of said county; and if the court, upon hearing said petition, shall adjudge in favor of such plaintiff, it shall remove such trustee or trus-



tees, and any vacancy from this, or any cause, resignation, death, or removal, shall be filled in the manner heretofore provided for.

SEC. 7. Whenever in the construction of a line of railway, as herein provided, it shall be necessary to appropriate land for the foundation of the abutments or pier of any bridge across any stream, or for any other purpose, or to appropriate any rights or franchises, proceedings shall be commenced and conducted in accordance with the laws in force at the time for the appropriation of such private property for the use of corporations, except that the oath and verdict of the jury and judgment of the court shall be so varied as to suit the case.

SEC. 8. Whenever there shall be between the termini designated in any resolution passed under this act, a railroad already partially constructed, or right of way acquired therefor, which can be adopted as parts of the line provided for in said resolution, the trustees of said line may purchase or lease the said railroad or right of way, and pay for the same out of the trust fund.

SEC. 9. Whenever in the construction of a line of railway, as herein provided, the said board of trustees shall find it necessary to use or occupy any street, alley, or other public way, space, or ground, or any part thereof, of any incorporated village in said township, proceedings shall be commenced and conducted in accordance with the laws in force at the time for the appropriation of such rights or easements by street railway corporations, except that the oath and verdict of the jury, and the judgment of the court, shall be so varied as to suit the case.

SEC. 10. On the final completion of any line of railway constructed under the provisions of this act, the board of trustees shall have power to lease the same to any person or persons, or company, as will conform to the terms and conditions which shall be fixed and provided by the trustees of the township by which the line of railway is owned.

SEC. 11. That the trustees of any township described in this act may, after trustees have been appointed, as provided in this act, advance to said trustees, out of any funds of said township, such sum as is necessary, not exceeding five hundred dollars, for carrying the object for which they were appointed into effect, and said sum shall be repaid out of the trust fund provided for in this act when raised.

SEC. 12. Deeds and contracts may be made, and proceedings for appropriations and actions may be commenced either in the name of such township providing the line of railway, or in the name of the trustees of ——— railway (filling the blank with the name given to the railway in the resolution), and said proceedings may be commenced and conducted, either in the court of common pleas or probate court, as in cases of appropriation for the use of municipal corporations.

SEC. 13. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
 R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 16, 1880.

[Senate Bill No 12.]

#### AN ACT

To amend section 4977 of the revised statutes of Ohio, in relation to the time of commencing actions. (Revised statutes, page 1211)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 4977 of the revised statutes of the state of Ohio be so amended as to read as follows:

Section 4977. An action for the recovery of the title or possession of lands, tenements, or hereditaments can only be brought within twenty-one years after the cause of such action accrues; and whenever the legal title to any lands remained in the government of the United States, or of this state, at the time of adverse possession taken, an action can only be brought to recover the title or possession thereof within twenty one years after the plaintiff, or those through whom the plaintiff claims, first became, or was during such adverse possession the owner of the equitable title to such lands, or entitled to demand and receive a patent or deed therefor, and so much of this section as relates to lands, tenements, or hereditaments, the legal title to which remained in the government at the time of adverse possession taken, shall apply to cases in which such adverse possession was taken, and such title or interest acquired before the passage of this act, as well as to cases hereafter occurring, anything contained in section four thousand nine hundred and seventy-four of this chapter to the contrary notwithstanding. But if, in any such case, the period of twenty-one years herein mentioned has already expired, or will have expired within six months after the passage of this act, then, in such case, such action may be brought within six months after the passage of this act, and at no other time thereafter.

SEC. 2. That said original section 4977 be and the same is hereby repealed, and that this act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
 R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 16, 1880.

Action to recover real estate limited to twenty-one years.

303,  
 §4977 Am.  
 83 v. 74.

Limitation where legal title remained in United States or State of Ohio at time of adverse possession taken.

[Senate Bill No. 219.]

## AN ACT

To authorize certain townships to build railroads, and to lease or operate the same.

## [MILTON TOWNSHIP, ASHLAND COUNTY.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That whenever in any township, which by the federal census of 1870 had, and which by any subsequent federal census may have, a population of twelve hundred and forty, the township trustees thereof shall on the petition of not less than twenty-five resident tax-payers of such township, pass a resolution declaring it to be essential to the interest of such township that a line of railway shall be constructed on the line to be designated in said petition, and said railway shall be named in said resolution, and the termini thereof shall be designated therein, and not to exceed four miles in length, it shall be lawful for a board of trustees appointed as herein provided, and they are hereby authorized to borrow as a fund for that purpose, not to exceed the sum of sixteen thousand dollars, and to issue bonds therefor, in the name of said township, bearing interest at a rate not exceeding six per centum, payable semi-annually, said bonds to be payable at such times and places, and in such sums as shall be deemed best by said board. Said bonds shall be signed and sealed by the president of said board, and attested by the clerk of such township, who shall keep a register of the same, and they shall be secured by a pledge of the faith of such township, and a tax which it shall be the duty of the trustees thereof, annually, to levy (which tax shall not exceed two and one-half mills on the dollar in any one year), to pay the interest and provide a sinking fund for the final redemption of said bonds: and provided, that no money shall be borrowed on bonds issued until after the question of providing the line of railway specified in said resolution shall be submitted to a vote of the qualified electors of such township, at a special election to be ordered by the township trustees thereof, of which not less than twenty days' notice shall be given by posting up notices at not less than five of the most public places in such township, and by publishing, for three successive weeks, such notice in a newspaper printed in the county wherein such township is located, and of general circulation in such township: further provided, a majority of said electors, voting at such election, shall decide in favor of such line of railway. The returns of said election shall be made to the clerk of said township, and by him laid before the township trustees, who shall declare the result by resolution. The bonds issued under the authority of this section shall not be sold or disposed of for less than their par value.

SEC. 2. If a majority of the votes cast at said election

shall be in favor of the construction of the line of railway, as specified in the first section, it shall be the duty of the township trustees to nominate five trustees, who shall be electors and freeholders of said township, to be called the trustees of ——— railway (the blank to be filled with the name of the railroad as given in the aforesaid resolution), and the same nominations shall be forthwith presented to the judge of the court of common pleas presiding in said county for his approval or rejection, and in case of his rejecting any of the persons named, then other nominations shall be made in like manner until said board is filled, and when said board shall be full, the said judge shall make an order indorsing such appointment on the minutes of the court of which he is judge; he shall also designate the amount of bond to be given by the trustees, each bond to be several, and conditioned for the faithful performance of his duties as such trustee; said bond shall be signed by not less than three sureties, and shall be approved by the clerk of said court, and be signed in duplicate, one copy to be filed with the clerk of said court and the other with the treasurer of said township. Said trustees shall, before entering upon the discharge of their duties, each take an oath of office, that they will faithfully and honestly discharge the duties of their office.

SEC. 3. The said board of trustees and their successors shall be the trustees of said fund, and shall have the control and disbursement of the same. They shall expend said fund in procuring the right to construct, and in constructing a railway, with all the proper appendages, and, if deemed necessary, a line of telegraph between the termini specified in said resolution, and for the purpose aforesaid, shall have the power and capacity to make contracts, appoint, employ, and pay officers and agents, and to acquire, hold, and possess all the necessary real and personal property and franchises. They shall also have power to receive donations of land, money, bonds, and other personal property, and to dispose of the same in aid of said fund. The said trustees shall have the right to bring, maintain, and defend all actions, and to sue and be sued, plead and be impleaded, touching the said trust and trust property in their own names as such trustees, in any of the courts of this state or elsewhere; they shall elect a treasurer, whose duty it shall be to draw from the treasurer of the county all of said trust funds upon the order of said trustees, and the said treasurer shall give bond in such sum as said trustees shall designate, which bond shall be signed by at least three sureties, and shall be approved by at least four-fifths of said trustees.

SEC. 4. The said trustees shall form a board, and shall choose one of their number president, who shall also be the acting trustee, with such powers as the board may, by resolution, from time to time, confer upon him. A majority of said trustees shall constitute a quorum, and shall hold regu-

lar meetings for the transaction of business, at their regular office in the township under whose action they are appointed, but they may adjourn, from time to time, to meet "t any place they may think proper. They shall keep a record of their proceedings, and cause to be kept a full and accurate account of their disbursements, and make a report of the same to the township clerk, whenever requested so to do by a resolution of the township trustees. No money shall be drawn from said fund but upon the order of said board, except their own compensation, which shall be paid out of the same upon the recommendation of the township trustees, by resolution, duly adopted and allowed by the court appointing them.

SEC. 5. Said trustees shall have power to take such security from any officer, agent, or contractor chosen, or appointed, or employed by them as they shall deem advisable. They shall not become surety for any such officer, agent, or contractor, or be interested, directly or indirectly, in any contract concerning said railway. They shall be responsible only for their own acts.

SEC. 6. Whenever the township trustees, or any one of them, of any township under whose action a board of trustees has been appointed, as herein provided, shall have reason to believe that any one or more of said trustees has failed in the faithful performance of his trust, it shall be the duty of such township trustees to apply to the then judge of the court of common pleas, by petition, alleging such misconduct, and praying that he or they be removed, and that such vacancy be ordered to be filled in the manner heretofore provided for, and if the said township trustees shall fail, upon the written request of not less than five resident tax-payers, or upon the request of any of the householders of said township, then, in that case, such tax-payers or bondholders may file such petition, for like relief, in the court of common pleas of said county; and if the court, upon hearing said petition, shall adjudge in favor of such plaintiff, it shall remove such trustee or trustees, and any vacancy from this or any cause, resignation, death, or removal, shall be filled in the manner heretofore provided for.

SEC. 7. Whenever, in the construction of a line of railway, as herein provided, it shall be necessary to appropriate land for the foundation of the abutments or pier of any bridge across any stream, or for any other purpose, or to appropriate any rights or franchises, proceedings shall be commenced and conducted in accordance with the laws in force at the time for the appropriation of such private property for the use of corporations, except that the oath and verdict of the jury and judgment of the court shall be so varied as to suit the case.

SEC. 8. Whenever there shall be, between the termini designated in any resolution passed under this act, a railroad already partially constructed, or right of way acquired there-

for, which can be adopted as parts of the line provided for in said resolution, the trustees of said line may purchase or lease the said railroad, or right of way, and pay for the same out of the trust fund.

SEC. 9. Whenever, in the construction of a line of railway, as herein provided, the said board of trustees shall find it necessary to use or occupy any street, alley, or other public way, space, or ground, or any part thereof of any incorporated village in said township, proceedings shall be commenced and conducted in accordance with the laws in force at the time for the appropriation of such rights or easements by street railway corporations, except that the oath and verdict of the jury and the judgment of the court shall be so varied as to suit the case.

SEC. 10. On the final completion of any line of railway, constructed under the provisions of this act, the board of trustees shall have power to lease the same to any person or persons, or company, as will conform to the terms and conditions which shall be fixed and provided by the trustees of the township by which the line of railway is owned.

SEC. 11. That the trustees of any township described in this act may, after trustees have been appointed, as provided in this act, advance to said trustees, out of any funds of said township, such sum as is necessary, not exceeding five hundred dollars, for carrying the object for which they were appointed into effect, and said sum shall be repaid out of the trust fund provided for in this act, when raised.

SEC. 12. Deeds and contracts may be made, and proceedings for appropriations and actions may be commenced, either in the name of such township providing the line of railway, or in the name of the trustees of ——— railway (filling the blank with the name given to the railway in the resolution), and said proceedings may be commenced and conducted, either in the court of common pleas or probate court, as in cases of appropriation for the use of municipal corporations.

SEC. 13. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 16, 1880.

[Senate Bill No. 210.]

#### AN ACT

To amend section 5963 of the revised statutes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 5963 of the revised statutes be so amended as to read as follows

Citation to widow to make her election of dower.

Section 5963. 'If any provision be made for a widow, in the will of her husband, it shall be the duty of the probate judge, forthwith after the probate of such will, to issue a citation to such widow to appear and make election, whether she will take such provision, or be endowed of the lands of her said husband and take her distributive share of his personal estate; and said election shall be made within one year from the date of the service of the citation aforesaid: provided, that if a proceeding to contest the validity of any will be commenced within said year, said widow shall be entitled to make such election within three months after such proceedings shall have been finally disposed of, sustaining such will; but she shall not be entitled to both, unless it plainly appears by the will to have been the intention that she should have such provision in addition to her dower and distributive share.

SEC. 2. That said original section 5963 be and the same is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

JOHN A. WILLIAMSON,  
*Speaker pro tem. of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 17, 1880.

[Senate Bill No. 118.]

#### AN ACT

To authorize the board of public works to enlarge a culvert in Harrison township, Pickaway county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of public works be and they are hereby authorized, if, in their opinion, the interests of the state demand, to enlarge the culvert under the Ohio canal, north of Millport, in Harrison township, Pickaway county, known as "Mud Run culvert," to sufficient capacity to carry off accumulated water, and prevent the overflow of adjoining lands.

SEC. 2. That said board of public works may let the whole or any part of said work, by contract, to the lowest responsible bidder, or cause the same to be done, under competent supervision, as they may deem best for the interests of the state.

SEC. 3. To enable the board of public works to carry into effect the provisions of this act, any sum of money to exceed nine hundred dollars is hereby appropriated, to be drawn from the general revenue fund upon the certificate of said board.

SEC. 4. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
 R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 17, 1880.

[House Bill No. 445.]

# AN ACT

To provide for the relief of disabled firemen in cities of the second grade of the first class.

[CLEVELAND.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the county treasurers of counties containing a city of the second grade of the first class shall, semi-annually, at the time of their semi-annual settlement with the auditors of their respective counties pay over to the treasurer of such city one-fourth of the amount which such city is entitled, under his annual levy, to receive of all the taxes paid into the treasuries of their respective counties by foreign insurance companies on their gross receipts, under the provisions of section twenty-seven hundred and forty-five of the revised statutes, during the half year preceding such semi-annual settlement, the money so paid over to the city treasurers to be by them held and distributed as hereinafter provided.

SEC. 2. The mayor and board of fire commissioners of such city shall constitute and be a board for the distribution of said fund, to be called the board of trustees of the fireman's relief fund; and said board shall have power to appoint a secretary, at such compensation as may be approved by the city council of such city, and to be paid as a member of the fire department; and said board shall keep a full record of all its proceedings, and may adopt such rules and regulations for its own action as it may deem just and reasonable.

SEC. 3. When, in the judgment of said board, a sufficient fund has been paid over to the city treasurer to justify the application thereof to the purpose provided for in this act, then if any member of the fire department of such city shall, while in the actual performance of his duty as such member, and, without fault of his own, become permanently disabled, so as to render necessary his retirement from membership in the department, said board may authorize the payment to such disabled member, annually, of a sum not exceeding six hundred dollars; or if any member of the fire department, while in the actual performance of his duty as such member, shall be killed by any casualty not arising from his own fault or negligence, and shall die leaving a widow, or, if no widow, a minor child or children under sixteen years of age, or widowed mother who depended upon him for support, said

Page 309  
 Cleveland.  
 Sec.  
 78 O.L.137.

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 Sec. 2.  
 Amended.  
 80 O.L.86.

Page 309  
 Sec. 3.  
 Amended.  
 80 O.L.86.



board may authorize payment to such widow, or to the guardian of such minor child or children, or to such widowed mother, annually, such sum as, in their judgment, said board shall deem proper, taking into account the pecuniary condition of such fireman and his surviving family, not exceeding six hundred dollars per annum. The payments herein provided for shall be made at such times and for so long a period as said board may determine: provided, that nothing herein contained shall render the payment of any sum or amount which may be ordered paid obligatory on said board, or chargeable upon it as a legal right; but before any payment is made said board may, at any time, in its discretion, reduce said amount ordered to be paid, or order that the same shall not be paid.

SEC. 4. It shall be the duty of said board to hear and decide upon the application for the benefit of such fund; and in all cases in which said board shall decide to grant relief from said fund, the same shall be approved by a majority of said board; and the secretary shall be and is hereby authorized to draw a warrant upon the city treasurer, to be countersigned by at least two members of the board, for any amount so ordered to be paid; but before any warrant therefor is paid by the city treasurer, there shall be filed with him by the secretary of said board a certified copy of the order of said board directing such payment.

SEC. 5. This act shall take effect and be in force from and after its passage.

JOHN A. WILLIAMSON,

*Speaker pro tem. of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Passed April 17, 1880.

[House Bill No. 419]

#### AN ACT

To authorize the final adjustment of claims of the state of Ohio against the general government.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the attorney-general adjutant general, and auditor of state, by and with the advice and consent of the governor of Ohio, are hereby authorized, directed, and required to proceed to the consideration and settlement of all unsettled claims of the state of Ohio, against the United States of America for supplies furnished and payments made to troops during the rebellion of 1861 to 1865, and for that purpose they are hereby authorized to employ such expert clerical force as may be necessary in furtherance of the provisions of this act.

Sec. 2. That for the purpose of carrying into effect the provisions of this act, and to defray the necessary expenses incurred, etc., there is hereby appropriated, out of any money to the credit of the revenue fund in the treasury, not otherwise expended, the sum of two thousand dollars, or so much as is actually necessary for the purposes named, not to exceed the sum appropriated.

Appropriations.

Sec. 3. This act shall take effect from and after its passage.

JOHN A. WILLIAMSON,  
*Speaker pro tem. of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 17, 1880.

[House Bill No. 497.]

#### AN ACT

Supplementary and explanatory of section 4209 of the revised statutes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the following section be enacted as supplementary to section 4209 of the revised statutes, with sectional numbering as follows:

Section 4209a. That in cities of the first class of the third grade, unless the common council of such city shall at all times maintain and continue an inclosure or pound, in which animals running at large, contrary to the provisions of the statutes of the state, and taken up by any person, shall, at all times, be received and detained until discharged or disposed of according to law, and in no other manner, the prohibition in said section four thousand two hundred and nine against the taking up and confining such animals or stock in any private inclosure, shall have no force or effect in such city, but the right to confine such animals or stock in a private inclosure shall exist as though no public pound had been provided.

Pounds in cities of third grade of first class (Toledo).

Sec. 2. This act shall be in force from and after its passage.

JOHN A. WILLIAMSON,  
*Speaker pro tem. of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 17, 1880.

[House Bill No. 375.]

#### AN ACT

To amend section 2926 of the revised statutes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*. That section 2926 of the revised statutes be amended to read as follows:

Page 311  
Sec. 2926.  
Amended.  
78 O.L.88.

How wards  
in Cincinnati  
and Cleve-  
land divided  
into pre-  
cincts.

Section 2926. In every city containing more than ninety thousand inhabitants at the preceding census, where at any election more than six hundred ballots are cast in any ward, or in any voting precinct of any ward, the council shall divide such ward or such voting precinct into two or more voting precincts, whenever occasion may arise; and, upon failure so to do, the mayor of such city shall perform such duty; but the council may, at any time, divide any ward into as many voting precincts as it may deem proper.

Sec. 2. Said original section 2926 of the revised statutes is hereby repealed.

Sec. 3. This act shall take effect and be in force from after its passage.

JOHN A. WILLIAMSON,

*Speaker pro tem. of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Passed April 17, 1880.

[Senate Bill No. 238.]

#### AN ACT

To amend section seven hundred and sixty-one of the revised statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section seven hundred and sixty-one of the revised statutes of Ohio be amended so as to read as follows:

Section 761. The governor may, upon the written application of the superintendent of the reform school, or when it is otherwise made to appear to him that it is expedient, cause any juvenile offender confined in the penitentiary, or in any house of refuge, or in any county jail under sentence to the penitentiary, to be transferred to the reform school, the expense of such removal to be paid by the state; and a minor so removed to the reform school shall, if transferred from a county jail or the penitentiary, be detained and employed thereat, under the rules and regulations thereof, until the expiration of the term of his sentence, or, if transferred from a house of refuge, shall be so detained and employed during his minority; but a minor so transferred from a county jail or the penitentiary may, for satisfactory reasons, be remanded by the governor to the penitentiary, to serve out whatever time remains of the period covered by his sentence.

Sec. 2. Said original section seven hundred and sixty-one is hereby repealed; and this act shall take effect on its passage.

JOHN A. WILLIAMSON,

*Speaker pro tem. of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Passed April 17, 1880.

Page 312  
Sec. 761.  
Amended.  
78 O. L. 220.

Powers of the  
governor as  
to juvenile  
offenders.

[Senate Bill No. 221.]

## AN ACT

To authorize certain townships to build railroads, and to lease or operate the same.

[MOHICAN TOWNSHIP, ASHLAND COUNTY.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That whenever in any township which, by the federal census of 1870 had, and which by any subsequent federal census may have, a population of fifteen hundred and sixty-one, the township trustees thereof shall, on the petition of not less than twenty-five resident tax-payers of such township, pass a resolution declaring it to be essential to the interest of such township that a line of railway shall be constructed on the line to be designated in said petition, and said railway shall be named in said resolution, and the termini thereof shall be designated therein, and not to exceed six miles in length, it shall be lawful for a board of trustees appointed as herein provided, and they are hereby authorized to borrow, as a fund for that purpose, not to exceed the sum of twenty-four thousand dollars, and to issue bonds therefor, in the name of said township, bearing interest at a rate not exceeding six per centum, payable semi-annually. Said bonds to be payable at such times and places, and in such sums as shall be deemed best by said board. Said bonds shall be signed and sealed by the president of said board, and attested by the clerk of said township, who shall keep a register of the same, and they shall be secured by the pledge of the faith of such township, and a tax, which it shall be the duty of the trustees thereof, annually, to levy (which tax shall not exceed two and one-half mills on the dollar in any one year), to pay the interest and provide a sinking fund for the final redemption of said bonds: and provided, no money shall be borrowed or bonds issued until after the question of providing the line of railway specified in said resolution shall be submitted to a vote of the qualified electors of such township, at a special election to be ordered by the township trustees thereof, of which not less than twenty days' notice shall be given by posting up notices at not less than five of the most public places in such township, and by publishing for three successive weeks such notice in a newspaper printed in the county wherein such township is located, and of general circulation in such township; further provided, a majority of said electors, voting at such election, shall decide in favor of such line of railway. The returns of said election shall be made to the clerk of said township, and by him laid before the township trustees, who shall declare the result by resolution. The bonds issued under the authority of this section shall not be sold or disposed of for less than their par value.

SEC. 2. If two-thirds of the votes cast at said election

shall be in favor of the construction of the line of railway, as specified in the first section, it shall be the duty of the township trustees to nominate five trustees, who shall be electors and freeholders of said township to be called the trustees of — railway (the blank to be filled with the name of the railroad, as given in the aforesaid resolution), and the same nominations shall be forthwith presented to the judge of the court of common pleas presiding in said county for his approval or rejection, and in case of his rejecting any of the persons named, then other nominations shall be made in like manner until said board is filled; and when said board shall be full, the said judge shall make an order indorsing such appointment on the minutes of the court of which he is judge; he shall also designate the amount of bond to be given by the trustees, each bond to be several, and conditioned for the faithful performance of his duties as such trustee; said bond shall be signed by not less than three sureties, and shall be approved by the clerk of said court, and be signed in duplicate, one copy to be filed with the clerk of said court and the other with the treasurer of said township; said trustees shall, before entering upon the discharge of their duties, each take an oath of office that they will faithfully and honestly discharge the duties of their office.

SEC. 3. The said board of trustees and their successors shall be the trustees of said fund, and shall have the control and disbursement of the same. They shall expend said fund in procuring the right to construct and in constructing a railway, with all the proper appendages, and, if deemed necessary, a line of telegraph between the termini specified in said resolution, and, for the purpose aforesaid, shall have the power and capacity to make contracts, appoint, employ, and pay officers and agents, and to acquire, hold, and possess all the necessary real and personal property and franchises. They shall also have power to receive donations of land, money, bonds, and other personal property, and to dispose of the same in aid of said fund. The said trustees shall have the right to bring, maintain, and defend all actions, and to sue and be sued, plead and be impleaded, touching the said trust and trust property, in their own names, as such trustees, in any of the courts of this state, or elsewhere; they shall elect a treasurer, whose duty it shall be to draw from the treasurer of the county all of said trust funds; and the said treasurer shall give bond in such sum as such trustees shall designate, which bond shall be signed by at least three sureties, and shall be approved by at least four-fifths of said trustees.

SEC. 4. The said trustees shall form a board, and shall choose one of their number president, who shall also be the acting trustee, with such powers as the board may, by resolution, from time to time, confer upon him. A majority of said trustees shall constitute a quorum, and shall hold regular meetings for the transaction of business, at their regu-

lar office in the township under whose action they are appointed, but they may adjourn, from time to time, to meet at any place they may think proper. They shall keep a record of their proceedings, and cause to be kept a full and accurate account of their disbursements, and make a report of the same to the township clerk whenever requested to do so by a resolution of the township trustees. No money shall be drawn from said fund but upon the order of said board, except their own compensation, which shall be paid out of the same upon the recommendation of the township trustees, by resolution duly adopted, and allowed by the court appointing them.

SEC. 5. Said trustees shall have power to take such security from any officer, agent, or contractor chosen, or appointed, or employed by them as they shall deem advisable. They shall not become surety for any such officer, agent, or contractor, or be interested, directly or indirectly, in any contract concerning said railway. They shall be responsible only for their own acts.

SEC. 6. Whenever the township trustees, or any one of them, of any township under whose action a board of trustees has been appointed, as herein provided, shall have reason to believe that any one or more of said trustees has failed in the faithful performance of his trust, it shall be the duty of such township trustees to apply to the then judge of the court of common pleas, by petition, alleging such misconduct, and praying that he or they be removed, and that such vacancy may be filled in the manner heretofore provided for; and if the said township trustees shall fail, upon the written request of not less than five resident tax-payers, or upon the request of any of the house-holders of said township, then, in that case, such tax-payers or bondholders may file such petition, for like relief, in the court of common pleas of said county; and if the court, upon hearing said petition, shall adjudge in favor of such plaintiff, it shall remove such trustee or trustees; and any vacancy, from this or any cause, resignation, death, or removal, shall be filled in the manner heretofore provided for.

SEC. 7. Whenever, in the construction of a line of railway, as herein provided, it shall be necessary to appropriate land for the foundation of the abutments or pier of any bridge across any stream, or for any other purpose, or to appropriate any rights or franchises, proceedings shall be commenced and conducted in accordance with the laws in force at the time for the appropriation of such private property for the use of corporations, except that the oath and verdict of the jury, and judgment of the court, shall be so varied as to suit the case.

SEC. 8. Whenever there shall be, between the termini designated in any resolution passed under this act, a railroad already partially constructed, or right of way acquired therefor, which can be adopted as parts of the line provided

for in said resolution, the trustees of said line may purchase or lease the said railroad, or right of way, and pay for the same out of the trust fund.

SEC. 9. Whenever, in the construction of a line of railway, as herein provided, the said board of trustees shall find it necessary to use or occupy any street, alley, or other public way, space, or ground, or any part thereof of any incorporated village in said township, proceedings shall be commenced and conducted in accordance with the laws in force at the time for the appropriation of such rights or easements by street railway corporations, except that the oath and verdict of the jury and the judgment of the court shall be so varied as to suit the case.

SEC. 10. On the final completion of any line of railway, constructed under the provisions of this act, the board of trustees shall have power to lease the same to any person or persons, or company, as will conform to the terms and conditions which shall be fixed and provided by the trustees of the township by which the line of railway is owned.

SEC. 11. That the trustees of any township described in this act may, after trustees have been appointed, as provided in this act, advance to said trustees, out of any funds of said township, such sum as is necessary, not exceeding five hundred dollars, for carrying the object for which they were appointed into effect, and said sum shall be repaid out of the trust fund provided for in this act when raised.

SEC. 12. Deeds and contracts may be made, and proceedings for appropriations and actions may be commenced, either in the name of such township providing the line of railway, or in the name of the trustees of ——— railway (filling the blank with the name given to the railway in the resolution), and said proceedings may be commenced and conducted, either in the court of common pleas or probate court, as in cases of appropriation for the use of municipal corporations.

SEC. 13. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 17, 1880.

[Senate Bill No. 225.]

#### AN ACT

To amend section 8059 of the revised statutes of Ohio. (Appendix.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 8059 of the revised statutes of Ohio be amended so as to read as follows:

Section 8059. That in the case of an agreement for the purchase of said roads, between the county commissioners

and the duly authorized representatives of said toll road corporations (provided the price for the same shall not exceed, in any case, the appraisement of any such toll roads), the commissioners shall make an order to that effect on their journal, and the proposed price to be taken by said turnpike corporation shall be binding on them for one year thereafter, and submit the question of the purchase to the voters of said county at any regular spring or fall election, giving at least ten days' notice thereof in at least two newspapers published in said county, and post printed notices of said election at each of the voting precincts in said county; and at such election the voters who are in favor of such purchase shall inscribe on their ballots, "Purchase of toll roads—yes," and those opposed thereto, "Purchase of toll roads—no," and if at any such election a majority of those voting on said question are in favor of such purchase, the said commissioners may make such purchase upon the terms and conditions hereinafter provided, but not otherwise. The vote on said question shall be returned by the judges of elections to the clerk of the court of common pleas, who shall open, count, and declare the same, as in an election for county officers, and certify the same to the county commissioners. And when the commissioners of any county are authorized by the popular vote as provided by law, to purchase any or all of the toll roads in any county, and shall purchase any or all of such toll roads, then that part of the national road which lies within any such county shall be and become a free road, and be kept up and maintained in the same manner as are the purchased toll roads therein.

SEC. 2. That said original section 8059 be and the same is hereby repealed.

SEC. 3. This act shall take effect on its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*

R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 17, 1880.

[Senate Bill No. 173.]

#### AN ACT

To repeal sections 3676, 3677, 3678, 3679, 3680, 3681, and 3682 of the revised statutes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That sections 3676, 3677, 3678, 3679, 3680, 3681, and 3682 be and the same are hereby repealed.

SEC. 2. This act to take effect on its passage.

JOHN A. WILLIAMSON,  
*Speaker pro tem. of the House of Representatives.*

R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 17, 1880.

If the commissioners and road companies agree upon price, question of purchase to be submitted to popular vote.



[House Bill No. 334.]

## AN ACT

To amend section 4203 revised statutes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 4203 be amended so as to read as follows:

County commissioners may grant permission for animals to run at large.

Section 4203. General permission may be granted by the commissioners of any county for any animal named in the preceding section to run at large in their respective counties; in counties where there is no general permission, township trustees may grant special permits, directed to individuals, and for particular animals described therein, revokable at the discretion of the township trustees, upon three day's notice, in writing, to the owner of such animal; and such permission, whether general or special, shall terminate on the first Monday of March, in each year; but no permit shall be granted for any swine to run at large, and in case any person shall permit any swine belonging to him, or being under his control, to run at large, he shall thereby be deprived of the benefit of any permit issued to him, as to any domestic animals whatsoever, and also of the benefits of any general permit issued by the county commissioners, and be subject to all the fines and penalties hereinafter provided. And it is hereby made the duty of all road supervisors, upon view or information to cause all swine found running at large upon roads within their respective districts to be impounded, and such further proceedings had as required by other sections of this chapter, and if any such road supervisor shall fail or refuse to perform such duty, he shall be fined not less than two, nor more than five dollars for each and every offense, to be collected and applied as provided in section forty-two hundred and four, and the trustees of the township are hereby authorized and required to retain any unpaid costs or fines, from any sum that may be due and unpaid to such supervisor for services rendered in his official capacity.

Duties of road supervisors as to animals running at large.

Sec 2. That the above named original section be and the same is hereby repealed, and this act shall take effect on its passage.

JOHN A. WILLIAMSON,

*Speaker pro tem. of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Passed April 17, 1880.

[House Bill No. 55.]

## AN ACT

To amend section twelve hundred and seventy-one (1271) of the revised statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section twelve hundred and seventy-one (1271)

of an act to revise and consolidate the general statutes of Ohio, passed June 20, A. D. 1879, be and the same is hereby amended as follows, to wit:

Section 1271. In Lucas county the prosecuting attorney thereon may appoint an assistant prosecuting attorney, at a yearly salary not to exceed twelve hundred dollars (\$1,200) a year, and such salary shall be paid on the certificate of the prosecuting attorney out of the treasury of said county on the warrant of the county auditor. The term of appointment shall be for one year from the date of appointment, and in case of a vacancy, said prosecutor may fill the same for the unexpired term.

SEC. 2. Said original section 1271 is hereby repealed.

SEC. 3. This act shall take effect from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 2, 1880.

*Page 319*  
Sec. 1271.  
Amended  
79 O.L.79.

# LOCAL AND SPECIAL ACTS.

[House Bill No. 67.]

## AN ACT

To authorize the county commissioners of Henry county, to issue bonds to build a court house, jail, and sheriff's residence.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of Henry county, Ohio, for the purpose of raising money to build a court house, jail, and sheriff's residence in Napoleon, Henry county, Ohio, be and are hereby authorized and empowered to issue the bonds of said Henry county in sums of not less than one thousand dollars each, and in the aggregate not to exceed one hundred thousand dollars, which bonds shall have proper interest coupons attached, and bear a rate of interest not exceeding six per centum per annum, payable on the first days of March and September. The payment of the principal of said bonds shall not be deferred beyond a period of twenty years, and shall be payable at the pleasure of the commissioners after ten years.

SEC. 2. Said bonds shall be signed by the said commissioners, and attested by the auditor of said county, who shall keep a record of all bonds issued, and to whom issued. Said bonds shall be negotiable and payable at such place as the commissioners of said county shall determine, which place shall be specified in said bonds, and they shall not be disposed of at less than their par value.

SEC. 3. That the said commissioners are hereby authorized to levy a tax to pay the principal and interest of said bonds, not to exceed in any one year three mills on the dollar of valuation of the taxable property of said county.

SEC. 4. Said commissioners are authorized to let the contract for the erection and construction of said buildings, in part or each building as a whole, as may be determined from the bids, for the best interest of said county, of which the commissioners shall be the judges.

SEC. 5. Said court house, jail, and sheriff's residence may be erected on the site of the court house destroyed by fire on the ninth day of November, A. D., one thousand eight hundred and seventy-nine.

SEC. 6. This act to take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed February 6, 1880.

[House Bill No. 63.]

## AN ACT

To authorize the commissioners of Scioto county to levy a tax to complete the Bear Creek and Mount Joy and the Cemetery free turnpikes in said county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Scioto county be and are hereby authorized to levy a tax of one (1) mill on the dollar of the duplicate of 1880, and one half ( $\frac{1}{2}$ ) of one mill on the dollar of the duplicate of 1881, the proceeds of which shall be applied to the completion of the free turnpike now terminating at the mouth of Bear creek, in said county, to Mount Joy, in Brush Creek township, in said county, and on the line heretofore surveyed and established for said road.

SEC. 2. The residue of the sum raised in accordance with the provisions of the preceding section of this act, or so much of the same as may be found necessary, shall be applied to the completion of the Cemetery free turnpike from its present terminus, near the Catholic cemetery, on the line heretofore surveyed and established, to its intersection with the Portsmouth and Columbus turnpike.

SEC. 3. All balances, if any, remaining of the fund raised under the provisions of this act shall be applied to the payment of any indebtedness on account of the construction or repairs of turnpikes, or shall be added to any sinking fund of the county, at the discretion of the commissioners of said county.

SEC. 4. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed February 6, 1880.

[House Bill No. 110.]

## AN ACT

To authorize the council of the incorporated village of Port Washington, Tuscarawas county, Ohio, to transfer money from one fund to another.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the council of the incorporated village of Port Washington, Tuscarawas county, Ohio, is hereby authorized to transfer four hundred dollars (the same being now in the treasury of said village) from the corporation fund to the real estate and building fund of said village.

SEC. 2. That this act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed February 12, 1880.

[House Bill No. 61.]

## AN ACT

To authorize the city council of the city of Sandusky to invest certain funds in United States or other securities.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the city council of the city of Sandusky is hereby authorized to invest the amount of any surplus or sinking fund now, or at any time hereafter, in the treasury of Erie county, to the credit of the water-works fund, sewer fund, or general sinking fund of said city, in United States securities, or in the bonds of said county, or in the bonds of the state of Ohio, or in bonds of the board of education of said city, until such time as the same shall be required for the purpose for which it was levied, or said fund may be used in paying off or cancelling any debt or bond of said city for which said fund is or may be provided: provided, said debt or bond shall not be paid off or canceled at a greater sum than the amount of the principal and interest thereof.

SEC. 2. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,

*Speaker of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Passed February 12, 1880.

[Senate Bill No. 2.]

## AN ACT

Authorizing the commissioners of Lawrence county, to levy an additional tax for county purposes.

WHEREAS, Extraordinary expenses have been incurred in said Lawrence county for the conduct of criminal trials, and it is necessary that an additional levy be made to meet the expense therefor.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of Lawrence county be and they are hereby authorized to levy, for the years 1880 and 1881, in addition to the amount now authorized by law, a tax for county purposes in such county, not exceeding one mill on each dollar of the valuation for taxation of the property of such county, and may borrow money at not exceeding six per cent. interest in anticipation of the fund arising from such levy

SEC. 2. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,

*Speaker of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Passed February 16, 1880.

[House Bill No. 94.]

## AN ACT

To facilitate the collection of forfeited and delinquent taxes in Lucas county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the treasurer of Lucas county is hereby authorized to receive the pay-

ment of taxes and assessments upon any real property within said county for the year of 1879, and thereafter, notwithstanding the taxes and assessments upon such property for the year 1878, and prior thereto, remain unpaid; and said treasurer is hereby authorized to receive any part of the unpaid taxes and assessments for the year 1878, and prior thereto that may be tendered to him, and to issue his receipt for the part of such tax or assessments so paid.

SEC. 2. In any decree that shall be rendered in any proceeding instituted by the treasurer of said county for the collection of the unpaid taxes and assessments for the year of 1878, and prior thereto, the court shall, upon the application of the owners or lienholders of any lot or parcel of land found incumbered by a valid tax or assessment, order that the sum so found due may be paid to such treasurer, in five equal annual installments, with interest at the rate of six per cent. per annum, to be paid annually; such installments of principal and interest to be made payable on the 20th day of June in each year; and such decree may provide that if any installment of principal or interest under such decree shall remain unpaid for thirty days after the same falls due, that in such event the full sum unpaid shall become due and payable, and an order of sale issued therefor; and the court shall make such order for the payment of costs as may be deemed equitable and proper.

SEC. 3. The auditor of said county is hereby authorized to place upon a separate duplicate all the real property of said county upon which the taxes and assessments for the year of 1878, and prior thereto, remain unpaid, and such duplicate shall set forth, in separate columns, the general taxes for each year unpaid, and the several assessments that enter into and make up the aggregate charges upon any property placed upon such duplicate; and said auditor is hereby instructed not to carry forward and place upon the county duplicate for the year 1880, and thereafter, the unpaid taxes and assessments for the year of 1878, and prior thereto.

SEC. 4. It shall not be necessary for the auditor of said county to include in the advertised list of lots and lands at the sale of forfeited or delinquent lots and lands within said county, the parcels of real property placed upon such separate duplicate of unpaid taxes and assessments for the year of 1878, and prior thereto, so far as relates to the taxes and assessments for such years and thereon set forth.

SEC. 5. All proceedings instituted by said treasurer for the collection of the unpaid taxes of the year 1878, and prior thereto, as set forth upon said special duplicate, shall, except as herein otherwise provided, be governed by the laws now in force providing for the collection of taxes and assessments by suit; and the said special duplicate shall, in all actions commenced by said treasurer, be prima facie evidence of the amount and validity of all taxes and assessments charged thereon.

SEC. 6. Nothing in this act shall effect the validity or priority of the lien of the taxes and assessments for the year 1878, and prior thereto, so placed upon said separate duplicate, nor of any decree rendered for such taxes and assessments.

SEC. 7. This act shall be in force from and after its passage.

THOS. A. COWGILL,

*Speaker of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Passed February 26, 1880.

[Senate Bill No. 34.]

## AN ACT

To authorize the council of the city of Chillicothe to sell certain bonds, and to apply the proceeds to a purpose therein named.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That authority is hereby given to the council of the city of Chillicothe to sell the Ross county bonds owned by said city, and held to the credit of the "water supply fund," upon the best terms possible, and to apply the proceeds thereof to the payment of the purchase price of a steam fire engine, the construction of a fire alarm telegraph, the alteration of an engine house, the purchase of the other necessary appliances of a paid horse fire department for said city, and the construction of fire cisterns therein: provided, that whenever the amount of said proceeds shall be required for the use of said "water supply fund" the said council are required and authorized to borrow an amount equal thereto to reimburse the said "water supply fund," and to issue the bonds of said city therefor, payable at such times, not exceeding three years from their date, as said council may determine, to bear interest at a rate not exceeding six per cent. per annum, payable semi-annually, and to be sold at not less than their par value; and said council shall have power to levy a sufficient tax on the property within said city to pay said bonds, and the interest thereon, as the same shall become due.

SEC. 2. That this act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,

*Speaker of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Passed February 26, 1880.

[House Bill No. 167.]

## AN ACT

To authorize the board of education of the village school district of the incorporated village of Washington, Guernsey county, Ohio, to issue bonds to obtain money to pay the existing debt of said school district, incurred in furnishing the rooms in the school building, and to levy a tax to pay said bonds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of education of the Washington village school district, in Washington, Guernsey county, Ohio, and the territory annexed thereto for school purposes, be and they are hereby authorized to issue bonds, not exceeding in amount five hundred dollars (\$500), to raise money to pay an existing debt incurred in furnishing the school building in said district; said bonds to be signed by the president and clerk of said board of education, and to be in sums of not less than fifty dollars (\$50) nor more than one hundred dollars (\$100) bearing interest at a rate not exceeding six (6) per cent. per annum, the principal and interest of said bonds to be payable as said board of education may direct, not exceeding three years from the time of issuing the same: provided, the said bonds shall not be sold for less than their par value.

SEC. 2. That, for the purpose of paying said bonds and the interest thereon, as the same may become due, the said board of education is hereby authorized and empowered to levy a tax on the taxable property

of said village school district of Washington, Guernsey county, Ohio, and the territory annexed thereto for school purposes, not to exceed two mills in such amounts, annually, commencing in the year eighteen hundred and eighty (1880), as will be sufficient to pay the principal and interest of said bonds as they may become due in each year, as said board of education shall determine.

SEC. 3. This act shall take effect on its passage.

THOS. A. COWGILL,

*Speaker of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Passed February 26, 1880.

[Senate Bill No. 33.]

#### AN ACT

To amend section one of "an act to amend section one of an act to authorize the commissioners of Montgomery county to erect a building to contain court rooms, county offices, and for other purposes, passed and took effect February 10, 1870," passed and took effect May 2, 1871 (Ohio Laws, v. 67, p. 117, and v. 68, p. 197).

WHEREAS, The commissioners of Montgomery county, in accordance with the provisions of section one of the above named act, passed May 2, 1871, proceeded in the month of August, 1879, to adopt a plan for such building as in that act provided for court purposes, and to make a contract with an architect pursuant to law to prepare such plan, with the necessary detailed drawings, specifications, and estimates for such building, the cost of which was to be upon the plan adopted within the amount limited by said act, to-wit: one hundred thousand dollars, which said plans, drawings, and specifications have been completed according to said contract; and

WHEREAS, Further, since said plans, drawings, and specifications have been completed, the cost of material and labor has greatly advanced, necessitating a corresponding increase in the estimates; and

WHEREAS, The lowest bids received for the furnishing of the material and the performance of the work required in the construction of such proposed new court-house, at a letting duly advertised pursuant to law, make it necessary to authorize the said county commissioners to exceed the amount as limited by the said act to enable them to erect said court-house; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section one of said act of May 2, 1871, be so amended as to read as follows:

Section 1. That the commissioners of Montgomery county be and they are hereby empowered to erect a court-house of such dimensions and material as they may deem best for the interests of the county, upon the lot next north of the present court-house, in the city of Dayton, at a cost not to exceed one hundred and seventy-five thousand dollars.

SEC. 2. That section one of the act passed May 2, 1871, be and the same is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,

*Speaker of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Passed March 4, 1880.



[Senate Bill No. 41.]

## AN ACT

For the relief of Ezekiel Arnold.

WHEREAS, On the sixth day of October, 1879, the house of Ezekiel Arnold, who was then treasurer of Franklin township, Adams county, Ohio, was totally destroyed by fire, and the whole of the contents of said house, including money and notes belonging to said Arnold, as well as five hundred and fifteen dollars (\$515) of the school funds of said Franklin township, which were then in said house, and as safely deposited therein as practicable, were burned and wholly lost, and it appearing that said fire and consequent loss was without any fault on the part of said Arnold; and

WHEREAS, A large number of the voters and tax-payers of said Franklin township have petitioned this general assembly for the passage of an act for the relief of said Ezekiel Arnold, treasurer as aforesaid; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the township trustees of Franklin township, Adams county, Ohio, are hereby authorized to levy upon the taxable property of said township a sum sufficient to raise the net sum of five hundred and fifteen dollars, and certify the same as other taxes; and the sum so raised shall be applied to reimburse said Arnold for such sums as he may have advanced of his own money to make good said loss, and to supply the deficiency in the school funds of Franklin township by reason of said loss, and to release said Ezekiel Arnold and his sureties of his official bond as treasurer of said township from liability arising from such loss.

SEC. 2. The trustees of said township are hereby authorized and required to submit the question of making the levy and furnishing the relief provided for in the preceding section, to the qualified electors of said township, at a special election, not later than twenty days after the passage of this act, of which at least ten days' notice shall be given by posting notices in not less than three public places in said township. The voters at such election shall have placed upon their ballots, "For relief—yes," or, "For relief—no;" and if a majority of the votes cast at such election shall be for relief, the levy shall be made and relief furnished, as provided in section one.

SEC. 3. This act to take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed March 5, 1880.

[House Bill No. 136.]

## AN ACT

To authorize the trustees of Middleburgh township, Cuyahoga county, to purchase a farm for poor purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of Middleburgh township, Cuyahoga county, be and they are hereby empowered to purchase a farm, and erect and repair suitable

buildings thereon at a an expense not to exceed seven thousand dollars, for poor purposes; and to provide means for the purchase of such farm they may issue bonds in sums of not less than one hundred, nor more than five hundred dollars, to be signed by the trustees, to bear six per cent. interest, payable annually, Said bonds shall not be sold for less than their par value, and shall be paid off to the amount of not less than one thousand dollars each year, until all are paid. The trustees are authorized to levy a tax on the taxable property of said township each year, in addition to the amount already allowed by law for poor purposes, sufficient to pay the bonds as they mature, and the interest as it falls due provided, that before said bonds are issued or purchase shall be made, the question shall be submitted to the people of the township at an annual township election held after the passage of this act, and after due notice shall have been given; and if a majority of the votes cast at said election shall be in favor of a tax to be levied for such purpose, then said trustees shall be fully authorized to proceed as before stated, and the voter shall have placed upon his ticket, "Tax for farm for poor purposes—yes," or "Tax for farm for poor purposes—no."

SEC. 2. This act shall take effect from and after its passage.

THOS. A. COWGILL,

*Speaker of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Passed March 6, 1880.

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[Senate Bill No. 58.]

#### AN ACT

Supplementary to an act entitled "an act to authorize the commissioners of Guernsey county to build a court-house," passed March 26, 1879 (O. L., vol. 76, p. 223).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of county commissioners of Guernsey county be and they are hereby authorized to levy a special tax upon the property of said county, not exceeding the sum of thirty-five thousand dollars, in addition to the amount already authorized by the act aforesaid, for the purpose of enabling the board of county commissioners to build a court-house of such character and quality as the interests of the people of said county require, and that they proceed to make the same upon the terms and in the manner already set forth in sections two, three, and four of the act aforesaid.

SEC. 2. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,

*Speaker of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Passed March 6, 1880.

[Senate Bill No. 83.]

## AN ACT

To authorize the commissioners of Brown county to construct certain free turnpike roads.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Brown county, Ohio, be and they are hereby authorized to construct the following free turnpike roads:

First road—To begin at the terminus of the Ripley and Bradysville free turnpike road, and running on the line of the old road, as near as may be practicable, to intersect the Maysville and Zanesville turnpike road.

Second road—To begin at the Ripley and Hillsboro free turnpike road at the old wheat house, near the foot of Dicken's hill; thence with the county road up Red Oak creek to Jolly's old mill; thence across Red Oak creek, and up the creek to the mouth of a branch to the south-east corner of James Henry's land; thence up said branch to the county road, and with said county road to intersect the Ripley and Arnheim free turnpike road at the residence of S. P. Tweed.

Third road—To begin at the Mather's old toll-gate, on the Ripley and Hillsboro free turnpike road, running east on the old road, as near as may be practicable, to the bridge across Eagle creek, near Neal's store.

Fourth road—Beginning at a point on the Higginsport and Straight creek free turnpike road, near Sink creek school-house; thence with the Sink creek road, as near as may be practicable, passing the Free Soil church, to a cross road; thence with the road leading to the Ripley and Georgetown free turnpike road, making an intersection with said free turnpike road near Olive chapel.

Fifth road—Beginning at the Russelville and Georgetown free turnpike road at the New Light church, in Russelville; and thence on the most practicable route to intersect the Arnheim and Ripley free turnpike road at some point between Levi Dunn's residence and the village of Arnheim.

Sixth road—Beginning at the Ripley and Hillsboro free turnpike road at Jacob Hughes's residence, and running east on the old State road, intersecting the Decatur and Russelville free turnpike road near Draper's mill dam.

Seventh road—Beginning at a point near Jacob Bowers on the Ripley and Bradysville free turnpike road; thence with the Aberdeen road, as near as may be practicable, to three-mile bridge, and thence to Aberdeen.

Eighth road—To begin near the mouth of Lafferty's run, in Union township, and running up said run to the Ripley and Decatur road; thence in a westerly direction to the Ripley and Hillsboro free turnpike road, near the residence of McGibona.

Ninth road—Beginning at a point in the Higginsport and Feesburg free turnpike road near the colored school-house, and residence of Samuel Maranda; thence on the line of the Augusta and Newmarket road, passing the residences of George Love, B. B. Gardener, James Waterfield, Ellis's school house, John Ellis, J. M. Gardner, to the residence of Samuel Cochran; thence on the most practicable route to Georgetown.

Tenth road—Beginning at the Ripley and Hillsboro free turnpike road near the residence of Mrs. M. J. Early; thence west, as near as may be practicable, on the line of the Decatur and Georgetown road, to the farm of George M. Work; thence through the farm of said Work to a ravine on the farm of James Evans; thence down said ravine through the farm

of W. S. Mann, and through the farm of James Jamison, to connect with the Ripley and Arnheim free turnpike road at the nearest practicable point south of the Straight creek bridge, near Moore's mill.

Eleventh road—Beginning at the Georgetown and Bethel free turnpike road, at the old Redmond hotel, in Hamersville; thence north, following the county road as near as may be practicable, passing at or near Neal's store, and on to Salem station, and to intersect the old Chillicothe road at the Sterling township election house.

Twelfth road—Commencing at a point in the Ripley and Hillsboro turnpike road, near the Red Oak post-office; thence west, following the county road as near as practicable to the lands of William Leggitt, crossing Leggitt and Abbott's land south of the Red Oak church; thence on the line of said Leggitt and Abbott; thence on the line of D. Dixon and J. Mann to a point in the Ripley and Arnheim free turnpike road, near Dixon's school-house.

Thirteenth road—Commencing at White Oak station, on the Cincinnati and Eastern railroad, running west on the line of the old road, as near as may be practicable, to connect with the Georgetown and Fayetteville free turnpike road, at the junction of the Williamsburgh free turnpike road, in the village of Mt. Orab.

Fourteenth road—Commencing in the village of Feesburg; thence over the old Bethel road to near the lane of W. J. Thompson; thence to the line of James Hannah and W. J. Thompson, near the lane of said Hannah; thence on the lines of said Thompson, Hannah, and R. E. Poe, to the county line in Brownsville.

Fifteenth road—Commencing at Wahl's cross-roads, on the Georgetown and New Hope free turnpike road, and running through White Oak valley to the White Oak valley bridge.

Sixteenth road—Commencing at the Fayetteville and Cincinnati turnpike, at the bridge across East Fork of Little Miami river, at or near the village of Fayetteville, running north-west on the old road leading to Blanchester, and ending at the Clinton county line.

Seventeenth road—Commencing at the village of Greenbush, on the Georgetown and Fayetteville free turnpike road, running east to the Highland county line, ending at or near John Brown's.

Eighteenth road—Commencing at Stephenson's mill, crossing west fork of Eagle creek, near the mill; thence up the west fork to Melvin's hollow, and thence up the west fork to Melvin's hollow, and thence up the hollow to Eli Davidson's, to where it intersects the Ripley and Decatur free turnpike road.

Nineteenth road—Commencing at Neal's store, running down Eagle creek, to connect with the Ripley and Bradysville free turnpike road, at the bridge near Alexander Martin's; said road to run on the north side of Eagle creek, on the line of the old road as near as may be practicable.

Twentieth road—Commencing at a point on the Fayetteville and Dodsonville free turnpike road, opposite H. W. Murray's, running south to the Fayetteville and Danville roads; thence east on line of said Fayetteville and Danville road to the Highland county line.

Twenty-first road—Commencing at the Georgetown and Fayetteville road, Benton school-house, running in a north-east direction, to intersect the Buford and New Hope road at White Oak creek; thence north on the Buford road to the Highland county line, at or near the residence of B. White.

SEC. 2. That said county commissioners may, if they deem it best, issue bonds for the construction of said roads: provided, said bonds shall

bear interest at the rate of six per cent. per annum, payable annually, and shall not be sold for less than their par value: provided further, that not more than twenty per centum of the cost of said improvement shall be assessed in any one year.

SEC. 3. That said commissioners shall, before proceeding to construct said roads, or any one, or parts of same, require and secure from those interested in said improvements a subscription or donation equal in amount to twenty per centum of the cost of said improvements to aid in the construction of the same; or, in lieu thereof, may cause those interested in said improvements to grade and culvert said roads or parts of roads ready for the material for the same.

SEC. 4. That for the purpose of paying said bonds, the county commissioners are hereby authorized to levy and assess a tax, not exceeding one mill on the dollar, annually, on any and all property in said county, excepting such lands as heretofore have been assessed for the construction of any free turnpike or improved road or roads already constructed, unless the amount that would be ratably levied upon the said lands shall exceed the amount of such assessment.

SEC. 5. That a majority of said board of commissioners shall, at a regular session, be necessary to agree upon specifications and order said improvement or any part thereof.

SEC. 6. This act shall be in force and take effect from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed March 6, 1880.

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[Senate Bill No. 54.]

#### AN ACT

Authorizing the organization of an independent Gatling gun battery in the city of Cleveland.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the citizens of Cleveland are hereby authorized to organize, arm, and equip an independent Gatling gun battery of not less than twenty nor more than fifty acting members, who shall sign a written agreement to be subject to all calls of the mayor in case of insurrections or riot, or when there is reasonable apprehension thereof, which written agreement shall be deposited with the mayor of such city.

SEC. 2. Contributing members, not exceeding two for each acting member, may be received and enrolled in such battery. Such contributing members shall be subject to such contributions, dues, and services as may be prescribed by the code of regulations and by-laws of such battery; but the dues of such contributing members shall in no case be less than fifteen dollars each per annum.

SEC. 3. The acting and contributing members of such battery shall be entitled to all the privileges and exemptions allowed members of the Ohio national guard, and the acting members thereof, who sign such agreement, shall, for neglecting or refusing to respond to any call of the mayor, be subjected to the same fines and penalties as members of the

Ohio national guard for like offences when called into service by the governor. All persons who enlist in such battery as acting members at any time, shall sign an agreement as provided in the first section of this act; and such battery shall be kept up to a minimum of at least twenty acting members: provided, that such battery shall receive no pay or allowance from the state for camp duty, transportation, or for any other purpose.

SEC. 4. Whenever there is a riot or insurrection in such city, and whenever there is reasonable apprehension thereof, the mayor of such city may call out such battery to aid the civil authorities in suppressing such riot or insurrection, or in preventing the same; and when so called out, such battery shall be subject to the orders of such mayor.

SEC. 5. Any independent battery heretofore organized in such city may be brought within the provisions of this act, and entitled to all the privileges and exemptions, and subject to all the penalties provided in this act, by the acting members of such battery signing and depositing with the mayor a written agreement, as specified in section one of this act.

SEC. 6. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed March 6, 1880.

[House Bill No. 122.]

#### AN ACT

To authorize the commissioners of Van Wert county to issue bonds for the redemption of other bonds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Van Wert county, for the purpose of raising money to redeem the bonds of said Van Wert county, issued under the act of April 18, 1874, entitled "an act to authorize the commissioners of Van Wert county to build a court-house," and now outstanding, be and they are hereby authorized to issue the bonds of said county, not exceeding ninety two thousand dollars, the amount of said outstanding bonds. Such bonds shall be payable at such times and such places as the commissioners of said county may determine, but no part thereof shall be payable at a later date than December 15, 1890.

SEC. 2. Said bonds shall be issued and signed by the commissioners, and countersigned by the auditor, who shall keep and preserve a record of each bond so issued in a book provided for that purpose, and they shall bear interest at a rate not exceeding six per centum per annum, payable semi-annually.

SEC. 3. Said bonds shall be issued in sums of not less than one hundred dollars, and have such coupons or interest bearing warrants attached, as the commissioners may direct, which shall be made negotiable and transferable; and it is further provided, that no bonds issued under the provisions of this act shall be sold for less than their par value.

SEC. 4. The commissioners of said county shall, annually, at their June session, levy such amount of taxes as will pay the interest on such

indebtedness and such part of the principal as may become due from year to year, and so continue until such indebtedness is entirely discharged. No part of the moneys raised by such levy shall be used for any other purpose than the payment of said bonds and interest; and no part of the moneys received from the sale of bonds authorized to be issued by this act shall be used for any other purpose than the redemption of said bonds for which such new issue is made.

SEC. 5. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed March 9, 1880.

[House Bill No. 200.]

#### AN ACT

To authorize the trustees of Berlin township, Erie county, to levy a tax to macadamize a certain road in Berlin township.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of Berlin township, in the county of Erie, be and are hereby authorized to macadamize the road in district number nine, in said Berlin township, commencing at the south side of the Lake Shore and Michigan Southern railway track, in the village of Ceylon, and terminating at the intersection of the Florence and Huron road, in the village of Berlin Heights in said township, at a cost not exceeding six thousand dollars.

SEC. 2. The contract for macadamizing said road shall be let to the lowest bidder, upon estimates and specifications made by a competent engineer, and in accordance with the general laws in force for contracts in other cases: provided, a notice shall be published, for three consecutive weeks, in some newspaper of general circulation in said township, of the time and place of letting such contract.

SEC. 3. In order to provide the funds for said road improvement, said board of trustees are hereby authorized to levy a tax each year for the years 1880, 1881, 1882, and 1883, of not more than two mills on the dollar in addition to the amount now authorized by law, all moneys to be drawn from the county treasury upon an order of the county auditor; the board of trustees of said township first certifying to the county auditor that the work on said road was done to their satisfaction, before said order shall be drawn on the county treasurer.

SEC. 4. No contract shall be let for said road improvement, nor debt incurred on account thereof, until the propriety of the same shall have been submitted to the electors of said township at a general or special election, to be held at the usual place of holding elections in said township, and at such time as the majority of the trustees of said township may determine by resolution, placed upon their minutes, which election shall be advertised by notices posted in five conspicuous places in the township, designating the time and the proposition to levy; if a majority of the electors at said election vote in favor of such proposition it shall be deemed carried; said election shall be conducted in accordance with the laws of the state so far as applicable, and the returns

thereof shall be filed with the township clerk, and the result declared by him; those in favor of said road improvement at said election shall have upon their ballots, "Road Improvement—Yes," and those opposing the same, the word "No."

SEC. 5. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed March 9, 1880.

[House Bill No. 40.]

# AN ACT

To authorize the creation of a special school district in Dinamore township, Shelby county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the territory now embraced in sub-school district number one (1) of the township of Dinamore and county of Shelby, and described as follows, to-wit: the north half of section number one, the south-west quarter of section number one, the north-west fourth of the south-east quarter of section number one, the north half of section number two, the south-east quarter of section number two, the north-east quarter of section number three, the west half of the north-east quarter of section number eleven, in town seven south range six, east; also, the east half of section number thirty-four, the east half of the west half of section number thirty-four, section number thirty-five, section number thirty-six, in town six south range six, east, be and the same is hereby created and declared to constitute a special school district by the name of Rhine special school district.

SEC. 2. The electors of said special school district shall, on the second Monday in April, elect three members of the board of education, one for one year, one for two years, and one for three years, from the third Monday of April next thereafter, who shall hold their offices for the term therein specified, and until their successors are elected and qualified. The said special school district shall be entitled to all of the school property within such territory, and the title thereto is vested in the board of education of said Rhine special school district.

SEC. 3. The said special school district shall be entitled to and shall receive their proportionate share of the school funds and the funds levied for school-house and incidental expenses, in accordance with the enumeration of 1879 of children who are entitled to attend schools, said funds being those now collected or already levied and not collected, either in the county or township treasury.

SEC. 4. Said district shall be governed in all respects by such laws as now are, or may hereafter be in force relating to special school districts.

SEC. 5. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed March 9, 1880.



[House Bill No. 85.]

## AN ACT

To authorize the commissioners of Pike county to build a bridge across the Scioto river, at Piketon, and to issue bonds to pay for the same.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That when a sum sufficient to build the approaches to a bridge across the Scioto river, at Piketon, is subscribed and secured to be paid, it shall be the duty of the commissioners of Pike county to build a bridge across the Scioto river, at the above named point, and for the purpose of raising sufficient money and means to construct the said bridge, the commissioners may issue the bonds of said county, in sums not less than one hundred nor more than five hundred dollars, and not to exceed in amount the sum of ten thousand dollars; said bonds to bear a rate of interest not exceeding six per cent., and to become due at such dates and times from the issue thereof, as may be deemed best, not to exceed four years, and not to be disposed of at less than their par value; and said commissioners are authorized to levy a tax, at any regular session of said board, to pay said bonds and the interest thereon as the same become due.

SEC. 2. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed March 9, 1880.

[House Bill No. 211.]

## AN ACT

To authorize the trustees of Margaretta township, Erie county, to transfer funds from cemetery fund to township fund.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the trustees of Margaretta township, Erie county, be and are hereby authorized to transfer from the cemetery fund to the township fund the sum of two hundred and twenty-three dollars and seventy-four cents.

SEC. 2. This act shall take effect and be in force on and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed March 9, 1880.

[House Bill No. 139.]

## AN ACT

To amend sections one and two of an act entitled "an act to authorize the commissioners of Scioto county to purchase toll road and levy tax to pay for same," passed March 26, 1879.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section one of the above recited act be so amended as to read as follows:

Section 1. That the commissioners of Scioto county are hereby authorized to purchase that portion of the Portsmouth and Columbus turnpike lying and being in said county of Scioto, at a price not to exceed eight thousand dollars (\$8,000), and surrender, to the company owning said road, the stock and accrued dividends thereon of said county therein; and in payment therefor, said county commissioners are hereby authorized to issue the bonds of said county, signed by said commissioners, and countersigned by the auditor of said county, not to exceed in aggregate amount the sum of eight thousand dollars (\$8,000), bearing a rate of interest not to exceed six per centum per annum, payable semi-annually, and surrender to said company the stock and accrued dividends thereon of said county remaining uncollected.

SEC. 2. That section two of said above recited act be so amended as to read as follows:

Section 2. For the redemption of said bonds, as they respectively become due, and the payment for said turnpike, the said county commissioners are hereby authorized to levy a yearly tax upon all the taxable property of Scioto county, not to exceed five-tenths of one mill on the dollar thereof.

SEC. 3. That said original sections one and two be and they are hereby repealed.

SEC. 4. That this act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed March 9, 1880.

[House Bill No. 185.]

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#### AN ACT

To authorize the transfer of any funds, not to exceed eighteen hundred dollars, that may remain in the treasury of the county of Williams arising from tax on dogs.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That any surplus funds arising from the tax on dogs, not to exceed eighteen hundred dollars, remaining in the treasury of the county of Williams after all damages to sheep killed or injured by dogs shall have been paid, shall be transferred to the infirmity fund of said county.

SEC. 2. This act shall be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed March 9, 1880.

[Senate Bill No. 98.]

#### AN ACT

For the relief of W. C. Byersdorfer and sureties of Union township, Brown county, Ohio.

WHEREAS, On the — day of July, A.D. 1876, the bank of J. Reynolds & Co., in Ripley, Brown county, Ohio, failed in a large amount; and,  
WHEREAS, W. C. Byersdorfer, township treasurer of Union township,

in Brown county, Ohio, had, as such treasurer, on deposit in said bank, at the time of said failure, the funds of said township to the amount of thirty-two hundred and eleven dollars and fifty-seven cents (\$3,211.57), upon which dividends amounting to fifty per cent. of above amount have been paid by the assignees of said J. Reynolds and J. Reynolds & Co., funds having been deposited in said bank by former township treasurers for years previous to said failure; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That said W. C. Byersdorfer and his bondsmen, except J. Reynolds and J. Reynolds & Co., are hereby released from the payment and liability of said township funds: provided, at some special or general election held in said township, as the trustees thereof may determine, they shall submit the question to the qualified voters thereof as to the release of said treasurer and his bondsmen, except J. Reynolds and J. Reynolds & Co., from said payment and liability, after having given notice of said submission by publication of the same in each of the papers published in said township for two consecutive weeks prior to said election, and that a majority of the voters of said township voting on said question shall vote for the release of said treasurer and his bondsmen, except J. Reynolds and J. Reynolds & Co.: and provided further, that said W. C. Byersdorfer shall assign to said trustees his claim against the bank of J. Reynolds & Co., for or on account of the deposit of the township funds in said bank, and the parties and stockholders thereof: provided further, that nothing herein shall be held or construed to release J. Reynolds or J. Reynolds & Co. for his or their liability for or on account of the loss of said funds so deposited.

SEC. 2. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed March 10, 1880.

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{House Bill No. 139.}

#### AN ACT

To divide Brown township, Miami county, Ohio, into two voting precincts.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That Brown township, Miami county, Ohio, be divided into two voting precincts, by a line running north and south on the road which crosses the Piqua turnpike at the old toll-house. All that portion east of said line shall be known as Lena precinct, and that west shall be known as Fletcher precinct, and the voting places shall be at Lena and Fletcher respectively.

SEC. 2. This act shall take effect and be in force on and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed March 11, 1880.

[House Bill No. 164.]

## AN ACT

To enable the village of Quincy, in Logan county, to appropriate money for the improvement of said village.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio, That the council of the village of Quincy, in Logan county, Ohio, be and are hereby authorized, by a vote of a majority of its members, to appropriate not exceeding one hundred dollars to erect a depot within said village.*

SEC. 2. This act to take effect from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed March 11, 1880.

[House Bill No. 101.]

## AN ACT

To establish a high school district in Sycamore and Springfield townships, Hamilton county, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio, That the territory comprised in the special school districts of Sharon, Runyon, and Evandale, in Sycamore township, Hamilton county, Ohio, and of the school district known as Kemper's, in Sycamore and Springfield townships, in said county, and also known as "number three," be and is hereby declared to be a special high school district, to be known as the "Sharon high school district;" provided, however, that before this act can be put in force a majority of the electors residing within said territory shall vote in favor of said special school district, at an election to be held in the manner following:*

SEC. 2. That written notices shall be posted in three of the most public places in each school district in said territory, at least ten days before said election, signed by at least five resident electors of each district, requesting the qualified electors thereof to assemble in the school-house in each of said school districts on a day, at an hour and place designated in said notices, then and there to vote for or against the creation of said high school district. The electors assembled at the time and places designated in said notices shall each appoint from their number three electors to act as judges, and two clerks, who shall conduct said election, which shall continue for at least five hours, and shall not close before six o'clock P.M. That the clerks of each of said elections, to be held under the provisions of this act, shall, within five days from the date of holding said elections, deliver to the township clerk of Sycamore [township], in said county, a certified copy of the toll-book and tally-sheets of said elections, who is hereby authorized to canvass the same and notify the chairman of each of the boards of districts named in this act of the result of said elections. The electors in favor of said high school district shall have written or printed on their ballots the words, "High school district—yes," and those opposed thereto the words, "High school district—no;" and if a majority of the ballots so cast are in favor of said high school district, it shall be created; otherwise not.

SEC. 3. That, should a majority of the ballots so cast be in favor of said high school district, the members of the boards of directors and of education of the several school districts composing said high school district shall constitute the board of education of said high school district; and said board last named shall be governed by, and the school under its control shall be conducted in accordance with, the provisions of this act and the general laws of this state relating to public schools, as far as said laws are applicable.

SEC. 4. That said board last mentioned shall establish and maintain a high school, which shall be located in the village of Sharon, in said territory, to which school the youth of school age of said high school district shall be admitted free of charge, and to which pupils non-residents of said district may be admitted upon such terms as the board thereof may prescribe, as provided by the laws aforesaid.

SEC. 5. That said board shall, as soon as practicable, procure, by lease or purchase, as may seem most expedient to said board, a site in said village for said school, and to erect thereon, if necessary, and to furnish a school-house in which to conduct said school, at a total cost, for site and furnished house complete, of not more than twelve thousand dollars; for which purpose said board are hereby authorized to borrow money, in amount not exceeding said sum, and to issue bonds therefor. Said bonds shall be in such sums, not less than one hundred dollars each, as such board shall determine; shall be numbered consecutively; shall bear interest at a rate not to exceed six per cent. per annum, payable annually; shall be dated the day the purchase money therefor shall be received; shall be made payable to bearer; shall be signed by the president and clerk of said board officially, and shall not be sold for less than their par value. The clerk of said board shall keep a record of the number, date, amount, rate of interest, the price for which sold, the name of the purchaser, and the time for payment of each bond sold, which record shall be open for inspection at all reasonable times.

SEC. 6. That, at least five hundred dollars, and not more than one thousand dollars, of the principal, in addition to all the interest due on the entire principal, shall be paid each year; and in order to secure the money for the payment of said indebtedness, said board shall levy a tax upon the property subject to taxation within said high school district, each year, until said indebtedness shall be entirely paid, and shall certify said levy annually to the county auditor, who shall place the same upon the tax duplicate in the same manner as other taxes certified by boards of education are required to be placed thereon.

SEC. 7. That, for the purpose of conducting and maintaining said high school, said board shall annually levy a tax, not exceeding five mills on the dollar, upon the property subject to taxation within said district last named, which tax shall be certified and placed upon the tax duplicate in the same manner as the tax specified in section six (6) of this act; and the tax mentioned in this and in the preceding section of this act shall be collected and paid over to the officers and persons entitled thereto, in the same manner as are other taxes levied and certified by boards of education.

SEC. 8. That any school district adjacent to said territory may become a part of said high school district, upon such terms and conditions as the board of education of said high school district, and the board of directors, or of education, as may be, of said adjacent district may agree to, if said terms and conditions shall be ratified by a majority of the electors of said high

school district, and by a majority of the electors of such adjacent district, at an election to be held between the hours of two and six o'clock P.M. of a day agreed upon by said boards, at a polling place within said high school district, to be designated by the board thereof, and at a place in said adjacent district to be designated by the board thereof, as follows :

SEC. 9. That written or printed notices, containing the terms and conditions aforesaid, and specifying the time and respective places of holding said election, and signed officially by the clerk of the high school or adjacent district, as may be, in which said notices are to be used, shall be posted at least ten days before said election, in at least three of the most public places in each special or sub-district interested, requesting the electors of said districts to meet at the time and respective places mentioned, then and there to vote for or against the ratification of said union of districts upon the designated terms and conditions. The electors in favor of said union shall have written or printed on their ballots the words, "Ratify—yes," and those opposed, the words, "Ratify—no." Immediately after the close of said election, the judges thereof shall count the ballots cast, and make return of the result, in writing, in form, as near as may be, the same as in other school elections, to the clerk of each board mentioned in section eight (8) hereof; and one of the judges shall deliver said returns in person on or before the day of the meeting mentioned in the next section of this act.

SEC. 10. That, on the Monday next following said election, the two boards mentioned in section eight shall each hold a meeting, at which said returns shall be read, and the result of said election, as shown by said returns, shall be entered in the minutes of said meeting. If a majority of the votes cast in each of said districts mentioned in section eight shall have been in favor of said union, the said adjacent district shall be a part of said high school district, subject to the terms and conditions aforesaid. The clerk of said high school district shall officially notify the county auditor of this fact, and the auditor shall act accordingly in all his duties relating to said districts.

SEC. 11. That it is the intent and meaning of this act to confer upon the districts herein mentioned the benefits of a high school in addition to the schools already existing therein; but in no other way to affect the existence, rights, liabilities, or condition of said districts and of the schools therein.

SEC. 12. That this act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed March 11, 1880.

[House Bill No. 141.]

#### AN ACT

To authorize the trustees of Ohio township, Clermont county, Ohio, to levy a tax, in addition to that now authorized by law, for the payment of bonded debt, and cost of erecting a township hall.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio, That the trustees of Ohio township, Clermont county, Ohio, be and they are hereby authorized to levy a tax of not exceeding four mills on the dollar,*

in any one year of all the taxable property on the duplicate of said township, for the payment of bonds issued and indebtedness incurred by said Ohio township in erecting a township hall; said levy to be made annually until all said bonds and indebtedness are paid; and the levy for said purpose to be placed on the tax duplicate and collected as other taxes, and the money raised by such levies shall only be used for the purposes named in this act.

SEC. 2. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem of the Senate.*

Passed March 15, 1880.

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[House Bill No. 244.]

AN ACT

To authorize the commissioners of Ottawa county to transfer certain funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Ottawa county, Ohio, be and they are hereby authorized to transfer from the additional road fund of said county the sum of two thousand dollars (\$2,000) to the county fund of said county.

SEC. 2. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed March 15, 1880.

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[House Bill No. 248.]

AN ACT

To authorize the trustees of Chester township, Morrow county, to improve the town hall of said township.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of Chester township, Morrow county, are hereby authorized to make such additions and other improvements to the town hall, in said township as they shall deem necessary and proper, at a cost not to exceed six hundred dollars; and for that purpose they are authorized to expend the fund in the township treasury of said township, known as the "railroad fund," or any other fund in said treasury not held for any specific purpose.

SEC. 2. This act shall be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed March 15, 1880.

[House Bill No. 324.]

## AN ACT

To authorize the trustees of Crawford township, Wyandot county, to levy a tax to macadamize and improve the roads and highways in said township.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the township trustees of Crawford township, in Wyandot county, be and they are hereby authorized to assess and levy upon the taxable property of said township a tax not exceeding five mills upon the dollar, in addition to the amount of tax now authorized by law for each year for the term of ten years, beginning with the year A. D. 1880, and ending with the year of A. D. 1889, for the purpose of macadamizing and improving the roads and highways in said township, and for no other purpose.

SEC. 2. Said tax so hereby authorized to be assessed and levied shall be collected as other taxes upon the grand duplicate of the county, and shall be paid in money, and shall be a township road fund, under the exclusive supervision, control, and application of the trustees of said township, and to be by them applied in macadamizing and improving the roads in said township, as contemplated in section one of this act: provided, that before said trustees shall be authorized to levy any of said tax, they shall first submit the question of levying the same to the qualified voters of said township at a special or general election, by giving at least ten days' notice thereof by posting in ten of the most public places in said township, written or printed notices. The tickets to be voted at said election shall have written or printed thereon the words, "Road improvement—yes," or "Road improvement—no;" and if a majority of said tickets voted be in favor of said road improvement, then the said trustees may levy said tax as provided in section one of this act.

SEC. 3. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed March 16, 1880

[House Bill No. 302.]

## AN ACT

To amend section one (1) of an act entitled "an act to authorize the creation of a special school district in New Antioch and territory thereto annexed, for school purposes, in Clinton county," passed March 30, 1875. (Ohio laws, vol. 72, page 228.)

SECTION. 1. *Be it enacted by the General Assembly of the State of Ohio*, That section one (1) of the above recited act be so amended as to read as follows:

Section 1. That the territory comprised in sub-district number five (5), which includes the village of New Antioch and territory thereto annexed for school purposes, in Green township, Clinton county, be and the same is hereby created and declared to constitute a special school district, and provided that a majority of the electors residing within said territory shall vote in favor of said special school district at an election to be held in the manner following:



SEC. 2. That the said original section one (1) be and is hereby re-

SEC. 3. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed March 16, 1880.

[House Bill No. 288.]

AN ACT

To authorize the Madison township agricultural society, in the county of Franklin, state of Ohio, to transfer certain funds to the school funds in said township.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That Madison township agricultural society, in the county of Franklin, is hereby authorized to transfer to the school fund, in said township, any unexpended funds now in the treasury of said agricultural society, amounting to the sum of three hundred and twenty dollars.

SEC. 2. This act shall take effect from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed March 16, 1880.

[House Bill No. 289.]

AN ACT

To authorize the township trustees of Cass township, Muskingum county, to levy a tax for purposes therein named.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the township trustees of Cass township, Muskingum county, Ohio, be and they are hereby authorized to levy a tax of not exceeding thirty dollars, annually, on the taxable property of said township of Cass, to be levied and collected as other taxes are levied and collected, to pay a band to open and close a draw-bridge, to be erected by the county commissioners of said county, over the canal at Adams' mills, in said township and for no other purpose.

SEC. 2. This act shall take effect from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed March 16, 1880.

[Senate Bill No. 29.]

## AN ACT

To amend section one of an act entitled "an act to divide the township of Delhi, in Hamilton county, into two election precincts," passed March 10, 1851. (O. L., v. 49, p. 153.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio.* That section one of the above entitled act be amended so as to read as follows:

Section 1. That the township of Delhi, in the county of Hamilton, is hereby divided into three election precincts for all state, county, and township purposes, to be denominated and known as the eastern, the western, and the Home City precincts, of Delhi township; the boundary lines of said precincts to be as follows. to-wit: the said eastern precinct shall be all that part of Delhi township lying east of the line commencing at a point on the Ohio river in said township where the western line of fractional section sixteen (16) strikes said river, and running thence north on the west line of sections sixteen (16), seventeen (17), and eighteen (18), to the southern line of Green township in said county, save and excepting therefrom that part of said township which is included within the boundary lines of the incorporated village of Riverside. The said Home City precinct shall be all that part of Delhi township that now is, or that may at any time hereafter be, comprehended within the boundary lines of the incorporated village of Home City. The western precinct shall be all the remainder of said Delhi township not within the bounds of said village of Riverside, or of either said eastern or said Home City precinct. The place of holding elections in said eastern precinct is hereby fixed at a school-house in school district number two in said township, or at some other suitable place on the Delhi, Industry, and Miami township road within said eastern precinct. The place of holding elections in said Home City precinct shall be within said village of said Home City, and at or near the usual place of holding the municipal elections of said village of Home City. The place of holding elections in said western precinct, is hereby fixed at the school-house known as the Industry school-house, or at some other suitable place near thereto.

SEC. 2. That said original section one (1) of the above recited act be and the same is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed March 16, 1880.

[Senate Bill No. 49]

## AN ACT

To authorize and require the commissioners of Guernsey county to transfer to the townships of Beaver, Wayne, Seneca, and Buffalo, of Noble county, certain portions of the stock of the Central Ohio railroad company, now held by Guernsey county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio.* That the commissioners of Guernsey county are authorized and are hereby required to make a just and equitable division of the stock of the Central

Ohio railroad company, together with the interest and dividends received thereon, now held by said Guernsey county, between said Guernsey county and the townships of Beaver, Wayne, Seneca, and Buffalo, of Noble county, said division to be made upon the basis of the tax duplicate of Guernsey county for the years in which a tax was levied for railroad purposes.

SEC. 2. This act to take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed March 17, 1880.

[House Bill No. 175.]

#### AN ACT

To authorize the creation of a special school district in Bloomfield township, Logan county, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the territory in Bloomfield township, Logan county, be described as follows: Commencing at the north-west corner of Bloomfield township, on the line between Logan and Shelby counties; thence east, on the north line of Bloomfield township, to the section line between section eight (8) and section nine (9) of said township; thence south, on the section line between said sections eight and nine of said township, to the section line between sections 16 and 17; thence south on the line between sections 16 and 17, to the south-east corner of section 17; thence west, along the section line between sections 17 and 20, and sections 18 and 19, to the south-west corner of section 18; thence north, 80 rods; thence west, to the line between Logan and Shelby counties; thence north, on the county line, to the place of beginning, be and the same is hereby declared to be and constitute a special school district, to be known as the Wright school district.

SEC. 2. The electors of said district shall proceed to elect three members of the board of education; one for one year, one for two years, and one for three years, from the third Monday in April, 1880, who shall hold their office for the term specified, and until their successors are elected and qualified.

SEC. 3. The said special school district shall be entitled to all the school property within its territory, and the title thereto is hereby vested in the board of education of said special school district; and the said special school district shall be entitled to and receive their proportionate share of the school funds, and the funds levied for school-house and incidental expenses, in accordance with the enumeration of 1879, of children who are entitled to attend school, said funds being those now collected or already levied and not collected, within the counties or townships, for the year 1879.

SEC. 4. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed March 18, 1880.

[House Bill No 161.]

## AN ACT

For the relief of John Rainsberger, of Monroe township, Carroll county, Ohio.

WHEREAS, John Rainsberger, of Monroe township, Carroll county, Ohio, advanced and paid out money to the amount of five hundred dollars (\$500), by the authority and request of the citizens of said Monroe township, given and requested of him at divers public meetings and assemblies held in said township, for the purpose of raising money to pay bounties to volunteers to clear said townships from draft under the call (preceding the last call) of the president of the United States, during the late rebellion; and,

WHEREAS, The said John Rainsberger has exhausted every effort in law to collect from citizens of said township said money paid out by him aforesaid, and failing to collect any part thereof; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio, That* the trustees of Monroe township, Carroll county, Ohio, be and they are hereby authorized and required to levy a tax on the taxable property of said Monroe township, for the year 1880, sufficient to pay said John Rainsberger the sum of five hundred (500) dollars, with interest from October 1, 1864, said amount of money having been advanced and paid out by said John Rainsberger by the authority and request of the citizens of said Monroe township, assembled at public meetings held at different times and places in said township, for the purpose of raising money to pay bounties to volunteers to clear said township from draft, under call for volunteers by the president of the United States, during the late rebellion.

SEC. 2. It shall be the duty of the trustees of said Monroe township to submit to the electors of said township, on the first Monday of April, A.D. 1880, of which due notice shall be given by posting up notices in at least six different public places fifteen days prior to such election, the matter of said township indebtedness to said John Rainsberger, in the amount aforesaid; and the voters at said election, in determining the aforementioned question, shall have written or printed on their ballots the words, "Tax to pay John Rainsberger—yes;" or, "Tax to pay John Rainsberger—no;" and if a majority of the votes cast for and against at said election on the question submitted as aforesaid, shall be "Tax to pay John Rainsberger—yes," then the said trustees shall assess, levy, and collect the tax aforesaid, and pay said amount to said John Rainsberger without unnecessary delay; otherwise, no such tax shall be levied or collected.

SEC. 3. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed March 18, 1880.

## [Senate Bill No. 158]

## AN ACT

To provide for the issuing and payment of bonds by the commissioners of Stark county, Ohio, to meet a deficiency in the levy for county fund in said county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of said county of Stark, for the purpose of meeting and providing for the aforesaid deficiency be and they are hereby authorized to issue bonds of said county for an amount not exceeding in the aggregate twenty-five thousand dollars (\$25,000), payable at such times not beyond three years from their date, as to them may seem proper, and bearing interest at a rate not exceeding six per cent. per annum. Said bonds are not to be sold for less than their par value.

SEC. 2. That for the purpose of providing for the payment of said bonds, and the accruing interest thereon, said commissioners are hereby authorized to add on the year 1880 to the levy now allowed by the general laws of the state for county purposes, not to exceed two tenths (2-10) of a mill on each dollar of taxable property in said county, and to add in the years 1881 and 1882 to the levy now allowed by the general laws of the state for county purposes, not to exceed four-tenths of a mill in each year on each dollar of taxable property in said county.

SEC. 3. This act shall be in force from and after its passage.

THOS. A. COWGILL,

*Speaker of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Passed March 19, 1880

## [House Bill No. 249.]

## AN ACT

To authorize the trustees of the several townships of Knox county to levy a tax to improve the public roads.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the trustees of any township in Knox county are hereby authorized, upon the petition of a majority of the tax-payers of any road district, to levy a tax not to exceed, in any one year, six mills on each dollar of valuation of taxable property within the road district, for the purpose of grading, macadamizing, graveling, and otherwise improving any of the public roads in such township and such road district.

SEC. 2. The tax provided for in the first section of this act, charged against any person, may, upon the order of the trustees of the townships, be discharged by labor upon the public roads in each road district, within the time designated by the trustees, and at the rate per day to be designated by the trustees, under the direction of the supervisors of such district, who shall give to such person a certificate specifying the amount of tax so paid and the district and township wherein such labor was performed, which certificate shall in no case be given for a greater sum than the tax charged against such person; and the county treasurer shall receive all such certificates as money in the discharge of said road tax.

SEC. 3. The tax provided for in section one of this act shall, when

collected, be applied to the improvement of the roads mentioned in the petition, and in making the kind of improvement therein asked for.

SEC. 4. This act shall take effect from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*

R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed March 25, 1880.

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[Senate Bill No. 62]

AN ACT

To authorize the commissioners of Ross county to construct a certain free turnpike road.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Ross county be and they are hereby authorized to construct a free turnpike road in said county, from the bridge over the Scioto river, near the city of Chillicothe, known as the "Main street bridge," along or near the line of the Chillicothe, Mooresville, and Adelphi road, to a point in Harrison township, known as Charleston: provided, that not more than the sum of ten thousand dollars shall be expended by said commissioners thereon, and for the purpose of constructing said road said commissioners are authorized to issue the bonds of said county, not exceeding the sum of ten thousand dollars, bearing interest at a rate not exceeding six per cent, per annum, payable semi-annually, and due not exceeding three years from the date thereof, which shall not be sold for less than their par value; and said commissioners are authorized to levy upon the taxable property of said county a tax sufficient for the payment of said bonds and interest when the same shall become due. Said turnpike road shall be constructed in accordance with the provisions of sections 4770, 4771, 4772, and 4773 of the revised statutes of Ohio, 1880.

SEC. 2. That this act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*

R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed March 25, 1880.

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[Senate Bill No. 72.]

AN ACT

To divide the township of Greenville, Darke coun

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the township of Greenville, Darke county, Ohio, be and the same is hereby divided into two election precincts, as follows: —

SEC. 2. That the line dividing said township into such two precincts shall commence at the point on the north line of said township, where the Greenville and Dallas road crosses said line; thence south along said road to Broadway street, Greenville, Ohio; thence down the center of

Broadway street to Martin street, in said town; thence east on Martin street to the Dayton and Union railroad; thence south on said railroad to the point where said railroad crosses the south line of said township.

SEC. 3. That all that part of said township lying west of said dividing line shall be and is hereby constituted an election precinct, to be called the western precinct of said township, and elections therein shall be held at the city hall building, in the town of Greenville, Ohio; and that part of said township lying east of said dividing line shall be and is hereby constituted an election precinct, to be called the eastern precinct of said township, and that the city hall building shall be the place where the elections of said precincts shall be held.

SEC. 4. This act shall in nowise affect elections held in said Greenville town for municipal purposes, or for the election of the officers for said corporation, or for the election of a school board for the special school district.

SEC. 5. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL.

*Speaker of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Passed March —, 1880.

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[Senate Bill No. 90.]

AN ACT

To authorize the commissioners of Belmont county to distribute between the several townships thereof certain stocks in the Central Ohio railroad company, now held by said county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That it shall be the duty of the commissioners of Belmont county to make a just and equitable distribution of the stock now held by said county in the Central Ohio railroad company, between the several townships of said county, the distribution to be made upon the basis of the tax duplicate of said county, for the years in which a tax was levied for railroad purposes.

SEC. 2. That whenever a majority of the voters of any of the aforesaid townships shall so declare by their votes at any annual election, or at any election called for that purpose, the trustees of the township so voting are hereby authorized to sell the stock belonging to said township and invest the same in any manner that may be designated by said voters at such election; that, upon the calling of any election for the purpose of determining the sale and re-investment of said stock, notice shall be given by the trustees of the township by posting up notices of the same at five public places in said township, at least twenty days prior to said election.

SEC. 3. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,

*Speaker of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Passed March 25, 1880.

[Senate Bill No. 74]

## AN ACT

To authorize the council of the incorporated village of Ashland, Ashland county, Ohio, to issue bonds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio, That* the council of the incorporated village of Ashland, Ashland county, Ohio, is hereby authorized to issue the bonds of said village, in a sum not exceeding fourteen hundred dollars, and in denominations not less than one hundred dollars, nor greater than seven hundred dollars, each, and bearing a rate of interest not exceeding six per centum per annum, payable annually, and redeemable within two years from the date of their issue.

SEC. 2. The said bonds shall be signed by the mayor and countersigned by the clerk of said village, and shall not be sold at less than par, and the proceeds thereof shall be applied to the purchase of grounds upon which to erect an engine-house and town offices within said village.

SEC. 3. That, for the purpose of paying said bonds and the interest thereon, as the same may become due, the council is hereby authorized and empowered to levy and assess a tax not exceeding one mill upon the dollar, of all the taxable property of said village, in addition to the amount already allowed by law, during the years 1880 and 1881, and the money so raised shall not be used for any other purpose than the paying of said bonds and the interest thereon.

SEC. 4. That this act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,

*Speaker of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Passed March 25, 1880.

[House Bill No. 317]

## AN ACT

To authorize the commissioners of Franklin county to continue a special tax.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio, That* the commissioners of the Georgeville free turnpike, in Franklin county, be and they are hereby authorized to issue a bond of the denomination and amount of fifteen hundred dollars (\$1,500), that said bond shall not bear a greater rate of interest than six per cent. per annum, and said bond shall not be sold for less than par; the money so realized shall be applied, first, to the payment of a certain bond heretofore issued by said turnpike commissioners, in pursuance of law, and now past due; and that any balance remaining after paying said matured bond shall be applied and used by said commissioners in repairing said turnpike.

SEC. 2. The bond issued under section one of this act shall be paid out of the special tax already levied for the purpose of paying the construction bonds of said turnpike, or if such levy be not sufficient for said purpose, the commissioners of said county shall cause said levy to be



continued for one year, in addition to the time for which said levy has been made, and at such rate as may be necessary to raise said sum of fifteen hundred dollars.

SEC. 3. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed March 25, 1880.

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[House Bill No. 362.]

AN ACT

To authorize the council of the village of La Rue, Ohio, to transfer certain funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio, That the council of the village of La Rue, Marion county, Ohio, be and they are hereby authorized to transfer the sum of one hundred dollars (\$100) from the police fund to the ditch fund of said village.*

SEC. 2. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed March 25, 1880.

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[House Bill No. 305.]

AN ACT

To establish a police force in the city of Xenia.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio, That the court of common pleas in and for Greene county shall, within ten days after the passage of this act, appoint a board of three police commissioners for the city of Xenia, who shall be electors thereof, to serve, one for one year, one for two years, and one for three years, from the second Monday of April, 1880; and thereafter, annually, one such commissioner to serve for the term of three years, beginning on the first Monday of April; and any vacancy occurring in said board shall be filled by the appointment of said court for the unexpired term. Said commissioners, before entering upon their duties, shall take an oath of office for the faithful and efficient discharge of their duties to the best of their abilities. They shall establish rules, not inconsistent with law, for their own government; meet regularly, and not less frequently than once per month, at a room to be provided by the council of said city for the purpose, and shall serve without compensation: provided, said council shall provide them with light, fuel, record books, and stationery.*

SEC. 2. Said board shall hold its first meeting on the second Monday of April, 1880, and annually thereafter, shall appoint from its members a

president and secretary, by whom all orders and papers issued by authority of the board shall be signed. The secretary shall keep a record of the proceedings of the board in a book kept by him for that purpose. At said first meeting said board shall elect by ballot, to serve during good behavior or until removed, from the electors of said city, one chief of police, and at any time it may in like manner elect as many patrolmen as it may deem necessary for the protection of persons and property and the preservation of order within said city: provided, that the number thereof shall at no time exceed eight, unless by the concurrence of said council. And said board may, at any time, diminish the number of patrolmen if, in its opinion, the public interests require it.

SEC. 3. All the powers now vested by law in the authorities of said city, or any of them, respecting the appointment, control, or discipline of the police force, are hereby vested in said commissioners so to be appointed. And said board shall have the general control and supervision of the police force herein authorized; shall make rules and regulations not inconsistent with law for the government and discipline thereof; and may, for cause by it deemed sufficient, upon written charges preferred, remove a member.

SEC. 4. All the powers vested by law in marshals or other police officers of cities are hereby vested in each member of said force.

SEC. 5. Every such member shall be allowed such salary for his services as the board by resolution shall fix, not exceeding eight hundred dollars for the chief of police, and six hundred dollars each for patrolmen, which shall be allowed in equal monthly installments by said council, upon the certificate of said board, and paid out of the city treasury as other claims. No such member shall receive any fee, reward, or perquisite whatever for his services other than his salary, except by the unanimous consent of said board entered upon its minutes; and all fees earned by said members shall be taxed, and, when collected, paid into said treasury to the credit of the police fund.

SEC. 6. On the first Monday of April, 1880, the office of marshal in said city shall cease and determine, and all duties imposed upon such officer by law or ordinance shall devolve upon and be performed by said chief of police, or some member of said force under his direction: provided, that the council of said city shall provide a police force from the first Monday in April, 1880, until the force herein contemplated shall be fully organized.

SEC. 7. There shall be levied, annually, upon the taxable property of said city such rate as the council of said city shall determine, not exceeding one mill upon each dollar valuation, for the purpose of paying the salaries of and defraying the expenses incident to said force; and said council shall, on or before the first Monday of June annually certify to the county auditor the rate of levy so determined, which shall be placed upon the grand duplicate of said city, and be collected as other taxes, and the fund arising therefrom shall be known as the police fund of said city: provided, that until a revenue shall be derived from the tax herein authorized, the salaries of said force shall be paid out of the general fund of said city.

SEC. 8. For any malfeasance, misfeasance, or improper conduct in office, said court, upon hearing, and upon the written charges of any responsible citizen of said city, may remove a member of said board, but such member shall be entitled to reasonable notice of such charges and

an opportunity to defend against them; the costs, in case of removal, shall be adjudged against such member; otherwise, against the corporation.

Sec. 9. This act shall take effect upon its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed March 25, 1880.

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House Bill No. 325.]

AN ACT

To authorize the commissioners of Hamilton county to grade and macadamize the Armstrong road.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of Hamilton county be and they are hereby authorized and directed to grade and macadamize what is known as the Armstrong road, from the east line of Green township to the west fork bridge in Mill Creek township, and pay the costs of the same out of any unexpended balance in the road fund of said county.

Sec. 2. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed March 27, 1880.

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[House Bill No. 298.]

AN ACT

To authorize the council of the village of Crestline, Ohio, to transfer certain funds named therein.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the municipal corporation of Crestline, Ohio, is hereby authorized to transfer permanently, by ordinance duly passed, five hundred dollars from the lock-up fund and ten hundred dollars from the sewer fund of said village to the water-works redemption fund of said village.

Sec. 2. This act shall go into effect at once upon its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed March 27, 1880.

[House Bill No. 25.]

## AN ACT

Amending an act entitled "an act to authorize the board of education of the city of Hamilton to transfer books to public library," passed May 12, 1879.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section one (1) of an act entitled "an act to authorize the board of education of the city of Hamilton to transfer books to public library" be so amended as to read as follows:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of education of any city having a population of eleven thousand and eighty one at the last federal census, in which there may be maintained a public library belonging to the schools of said city, and in which there is a free public library, may transfer and assign, and are hereby authorized, whenever they may deem it best so to do, to transfer and assign to the general public library in said city all the books and papers belonging to said school library; and when so transferred and assigned, the trustee of the free public library shall have exclusive power and control over the same: provided, that if at any time the library to which such transfer is made shall cease to exist, or existing cease to be a free public library, the books and papers so transferred shall revert to the custody of the board of education of such city, and that the board of education of said city be and they are hereby authorized to purchase books for the use of said library, not to exceed in value one hundred dollars per annum.

SEC. 2. That an act entitled "An act to authorize the board of education of the city of Hamilton to transfer books to the public library," passed May 12, 1879, be and the same is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed March 26, 1880.

[House Bill No. 152.]

## AN ACT

For the relief of E. W. Browning and his sureties.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the trustees of Lebanon township, Meigs county, are hereby authorized to release E. W. Browning and his sureties, on their official bond as treasurer of said township, from the payment of the following sums of money, to wit: Two hundred and seventy-six dollars and twenty-five cents (\$276 25) belonging to the township fund, one hundred and forty-eight dollars and eight cents (\$148.08) of tuition fund, and twenty-two dollars and twenty-five cents (\$22.25) contingent fund: provided, that the trustees shall submit said proposition to release to the qualified voters of said township, at a general election, and two-thirds of the electors voting at said election are in favor of said release.

SEC. 2. It shall be the duty of the trustees, before submitting said proposition, to give in one of the newspapers, published in Meigs county, at least ten days' notice, next preceding said election, and by posting notices in five public places in said townships, stating the object thereof, and form of ballots, which shall be as follows: "For release of township fund, yes;" "For release of township fund, no;" "For release of tuition and contingent fund, yes;" "For release of tuition and contingent fund, no:" and provided further, that those electors who reside in special school districts in said township, which have no interest in said tuition and contingent fund, shall not at such election be permitted to vote on the proposition to release said fund.

SEC. 3. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed March 25, 1880.

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[House Bill No. 420.]

AN ACT

For the relief of Orrie Outland and his sureties.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of Jefferson township, Logan county, are hereby authorized to release Orrie Outland and his official sureties on their official bonds as treasurer of said township from the payment of the sum of four hundred dollars belonging to the township funds: provided, that the said trustees shall submit said proposition to release, to the qualified voters of said township, at a general or special election, and a majority at said election voting in favor of said release.

SEC. 2. It shall be the duty of the trustees before submitting said proposition, to give notice by advertisement, posted in six conspicuous places in said township, at least ten days next preceding said election, stating the the object thereof, and the form of the ballot shall be the following: "For release, yes;" "For release, no."

SEC. 3. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed March 25, 1880.

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[House Bill No. 346.]

AN ACT

For the relief of Henry Blust.

WHEREAS, Henry Blust, treasurer of Mifflin township, Richland county, Ohio, having deposited, as has been customary with his predecessors in office, the funds belonging to said township in the first national bank of Mansfield, Ohio, for safe keeping; and

WHEREAS, Said banking house has become insolvent, and suspended

payment on the twenty-sixth day of September, A. D. 1873, having in its possession one thousand one hundred and forty-five dollars and sixty-two cents (\$1,145.62) of said funds;

WHEREAS, A majority of tax-payers and voters of said township represent that said loss was not due to any fault, neglect, or complicity of said Henry Blust, and ask that he and his sureties be released from the payment of said sum of money; and

WHEREAS, The sum of five hundred and seventy-five dollars and seventy-five cents of said money has been recovered from said first national bank of Mansfield, Ohio, and been turned over to the proper authorities of said township for the use and benefit of Mifflin township; and

WHEREAS, The said Henry Blust has directed the receiver of said first national bank of Mansfield, Ohio, to pay over any further sum that may be declared on said indebtedness to the trustees of said township and their successors in office; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the said trustees of said Mifflin township are hereby authorized to release said Henry Blust, and his sureties on his official bond, from the payment of the sum of six hundred and thirty and twenty-five one-hundredths dollars, and enter said release on the minutes of said trustees: provided, that, before said release shall be made, the question shall be submitted by said trustees to the qualified electors of said Mifflin township at the next general election, and if a majority of the electors voting at said election shall vote in favor thereof, then the said trustees shall declare said Henry Blust and sureties on his official bond released.

SEC. 3. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed March 27, 1880.

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[House Bill No. 233.]

#### AN ACT

To authorize the commissioners of the county of Fulton, Ohio, to issue bonds for the purchase of abstracts of titles and syllabus of wills to complete the records of the county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of the county of Fulton, state of Ohio, are hereby authorized to purchase of E. L. Barbor the abstracts of titles, syllabus of wills, and other matters in his possession to complete the records of said county; and the commissioners may issue the bonds of said county in amount not to exceed seven thousand dollars; said bonds to be in sums of not less than one hundred, nor more than five hundred dollars, and bearing interest at six per cent., payable annually, and to be sold at not less than par value.

SEC. 2. Said abstract of titles and syllabus of wills shall, in the absence of other and stronger proof, be taken and held to be prima facie evidence in all questions of title relating thereto.

**SEC. 3.** This act shall take effect and be in force from and after its passage.

JOHN A. WILLIAMSON,  
*Speaker pro tem. of the House of Representatives.*

Passed March 30, 1880

R. G. RICHARDS,  
*President pro tem. of the Senate.*

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[House Bill No. 413.]

**AN ACT**

To authorize the village of McConnelsville to transfer certain funds.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Ohio,* That the council of the incorporated village of McConnelsville, in the county of Morgan, is hereby authorized and empowered to transfer the sum of four hundred dollars from the building fund to the street fund of said village.

**SEC. 2.** This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*

Passed March 30, 1880.

R. G. RICHARDS,  
*President pro tem. of the Senate.*

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[Senate Bill No. 155.]

**AN ACT**

To establish and maintain a free library and reading room in the village of Cadiz, Harrison county, Ohio.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Ohio,* That the council of the incorporated village of Cadiz, in the county of Harrison, is hereby authorized to unite with the Cadiz library association, incorporated and located in said village, in opening and maintaining a free library and reading room within said village, and is hereby authorized and required, annually, to levy a tax sufficient to defray the incidental expenses of said association, not exceeding one half mill on the dollar of the taxable property in said village, for that purpose, to be called the library fund, which shall be certified to the county auditor, and placed on the tax duplicate of the county, and collected as other taxes, and applied as follows:

First—To the payment of rent for a suitable library and reading room.

Second—To provide for properly heating and lighting said room.

Third—To pay the salary of the librarian of said association, which shall be paid by the treasurer of said village upon the warrant of the proper officer, as provided by law in other cases.

**SEC. 2.** The library and reading room established under this act, shall be forever free to the inhabitants of said village, and the members of said association subject, however, to such reasonable rules and regulations as the board of trustees of said association may find necessary to adopt, and publish, in order to render the use of said library and reading

room of the greatest benefit to the greatest number; but said board of trustees may exclude from the use of said library and reading room any and all persons who shall willfully violate such rules.

SEC. 3. The mayor of said village shall, *ex officio*, be a member of the board of trustees of said library association; and said village council shall have power to pass ordinances imposing suitable penalties for the punishment of persons committing injury to the books or other property of said association.

SEC. 4. All the property of said corporation shall be vested in a board of trustees, consisting, in addition to the mayor of said village, of not more than six nor less than four members, who shall be elected by the members of said association, in such manner and for such period as said association, by its by-laws, shall prescribe; said board of trustees shall organize by appointing one of its members president, and shall also appoint a secretary and treasurer.

SEC. 5. Any person desiring to make a donation of money, real estate, or other property, for the benefit of such library association, shall have the right to convey the title to such property to the board of trustees of said association, to be held and controlled by such board, if accepted according to the terms of the deed of gift, devise, or bequest of such property, and, as to such property, the said board shall be held and considered to be special trustees.

SEC. 6. The board of trustees of said association shall make all contracts, for renting library and reading rooms, and for heating and lighting the same and shall employ a competent librarian, but the village council shall not be required to pay out of the treasury in pursuance thereof, in any year, a sum in excess of the levy provided for in this act.

SEC. 7. This act to take effect and be in force from and after its passage.

JOHN A. WILLIAMSON,  
*Speaker pro tem. of the House of Representatives.*  
E. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 1, 1880.

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[House Bill No. 396.]

AN ACT

To amend an act entitled "an act to provide for the more effectual drainage of Hog-creek marsh, in Hardin county." (O. L. vol. 76, p. 284)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section one of the above entitled act be so amended as to read as follows:

Section 1. That the board of trustees of Liberty, Washington, and Blanchard townships, in Hardin county, or a majority of each of said boards, or one of each of said boards chosen by the board of which he is a member, for that purpose, shall be a joint board, and empowered to act as such in draining Hog-creek marsh, in said county, and may at any regular or called session, when the same is demanded by, or will be conducive to the public health, convenience, or welfare, cause to be located



and constructed, or to be straightened, widened, altered, cleaned out, or deepened, any ditch, drain, or water course, which will be conducive to the draining of said marsh, as hereinbefore provided

SEC. 2. Said original section one is hereby repealed.

SEC. 3. This act shall take effect on its passage.

THOS. A. COWGILL,

*Speaker of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Passed April 2, 1880.

[Senate Bill No. 88.]

AN ACT

For the relief of John W. Ladd and William Brown, ex-sheriffs of Delaware county, Ohio.

WHEREAS, John W. Ladd and William Brown, formerly sheriffs of Delaware county, Ohio, from January, A.D. 1865, to January, A.D. 1873, inclusive, during their respective terms of office, did not receive any payment whatever for fees for serving subpoenas for witnesses before the grand jury of the court of common pleas of said county, by reason of the accounts of said fees not being at the time certified to the auditor of said county, as required by law; and,

WHEREAS, The auditor and commissioners of said county now decline to settle and pay said accounts, for fear of the same being barred by the statute of limitation of this state; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the auditor and commissioners of said county be and they are hereby authorized, if in their judgment, they deem the same equitable and just, to settle with said John W. Ladd and William Brown, as such ex-sheriffs, and ascertain the amount of such fees unpaid, and to pay said Ladd and Brown, respectively, the amount thereof unpaid in each year of their respective terms of office: provided, that there shall not be paid for any one year an amount to exceed an amount which, with the amount already paid them, respectively, in that year for costs, in cases where the state failed to correct, or where the defendant, upon conviction, proved insolvent, will equal the amount allowed by law then in force in relation to fees of sheriffs, in cases where the state fails to convict, etc.

SEC. 2. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,

*Speaker of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Passed April 2, 1880.

[Senate Bill No. 89.]

AN ACT

To divide the township of Washington, Stark county, Ohio, into two election precincts.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the township of Washington, Stark county, Ohio, be and the same is hereby divided into two election precincts, as follows:

Commencing at the north-east corner of section one; thence south on the county line to the center of section twenty-four (24); thence west on quarter section line to the west side of section twenty-three (23); thence north to the north-west corner of section twenty-three (23); thence west on section line to the center of section fifteen (15); thence north on quarter section line to the center of section fifteen (15); thence west on quarter section line to the center of the south line of the north-east quarter of section sixteen (16); thence due north to the quarter section line in the center of section nine (9); thence due west on quarter section line of sections nine (9), eight (8), and seven (7), to the west line of the township; thence north on township line to the north-west corner of the township; thence east on township line to the north-east corner of section one (1) to the place of beginning, including all the territory contained in sections one (1), two (2), three (3), four (4), five (5), six (6), ten (10), eleven (11), twelve (12), thirteen (13), and fourteen (14), and parts of sections twenty-four (24), twenty-three (23), fifteen (15), sixteen (16), nine (9), eight (8), and seven (7), which described territory shall constitute an election precinct, and to be known as the Mt. Union precinct of said township; and all that part of Washington township not contained in the above described territory, shall constitute another precinct, to be known as the Freeburg precinct of said township.

SEC. 2. That all elections of said Mt. Union precinct of said township, shall be held in the corporate village of Mt. Union; and that all elections of the said Freeburg precinct of said township shall be held in the village of Freeburg.

SEC. 3. This act shall in no way effect elections held in said village of Mt. Union for municipal purposes, or for the election of school board in the special school district.

SEC. 4. That this act shall take effect and be in force from and after passage

THOS. A. COWGILL,

*Speaker of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Passed April 2, 1880.

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[Senate Bill No. 146.]

#### AN ACT

To authorize the commissioners of Hocking county to purchase or appropriate lands for the use of the agricultural society of that county, and provide for payment of the same and making improvements thereon.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio, That whenever the board of directors of the Hocking county agricultural society shall, by resolution, declare that it is necessary to procure land and make improvements thereon for purposes of their annual exhibitions, and shall also indicate the sight they wish to purchase, the county commissioners of said county are authorized to proceed to purchase said land so designated, and hold the same subject to control, use, improvement, and benefit of said board of directors for purposes before mentioned; said premises to be conveyed to the county. To provide payment for the premises so purchased and improved, the commissioners are authorized*

to issue the bonds of the county for an amount equal to the cost thereof, not exceeding eight thousand dollars, with interest at six per cent. Bonds not to be sold for less than par. For payment of bonds, the commissioners are directed to levy a tax sufficient in four years to redeem the same, and in amount not exceeding one-half mill in any one year.

SEC. 2. Provided, before said levy is made, the commissioners shall submit the proposition to the electors at a general election of said county, by giving at least twenty days' notice of the same in a newspaper of general circulation in the county; also, to cause a notice of the same to be posted in three of the most public places of each township in the county. Those voting for the proposition shall have on their ballots, "Agricultural tax, yes;" those voting against it, "Agricultural tax, no;" and if a majority of the ballots cast at said election are in favor of said proposition, the commissioners shall make the levy, but if a majority of the ballots are against said proposition, this act shall be null and void.

SEC. 3. This act shall take effect upon its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 2, 1880.

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[House Bill No. 444.]

AN ACT

To authorize the town council of the incorporated village of St. Marys, Auglaize county, Ohio, to purchase gravel for said village.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the town council of the village of St. Mary's, in the county of Auglaize, Ohio, be and is hereby authorized and empowered to issue bonds, not exceeding the sum of one thousand dollars, bearing a rate of interest not exceeding seven per centum, payable semi-annually, and to be of such denomination as said council, by ordinance, shall provide, not less than fifty dollars each, which bonds shall be made payable at such time as such council shall determine, not exceeding two years after date, and shall not be sold for less than their par value; and the money arising from said bonds shall be used and applied in the purchase of gravel for the use of said village and the inhabitants thereof.

SEC. 2. Said town council shall have power, after issuing said bonds, to levy a tax on the taxable property of said village, in addition to the rate now authorized by law in each year during the remaining of said bonds, sufficient to pay the interest, and ultimately to pay the principal of said bonds at maturity; and the money arising from such tax shall be applied by said council to the payment of the interest and principal of said bonds, and for no other purpose.

SEC. 3. This act shall take effect from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 2, 1880.

[House Bill No. 127.]

## AN ACT

To repeal section four of an act amendatory of and supplemental to an act to create a special school district in Mentor township, Lake county, Ohio, passed May 4, 1877.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section four of "an act amendatory of and supplementary to an act to create a special school district in Mentor township, Lake county, Ohio," passed May 4, 1877, be and the same is hereby repealed.

SEC. 2. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,

*Speaker of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Passed March 30, 1880.

[House Bill No. 270.]

## AN ACT

To authorize the commissioners of Franklin county to build a bridge across the Scioto river in said county, and to levy a tax for that purpose.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of Franklin county be and they are hereby authorized to remove the old bridge across the Scioto river on the line of the old National road, now Broad street, in the city of Columbus, Franklin county, and build a new bridge on the same site, and to levy a tax for that purpose, not exceeding five eighths of a mill on the dollar of all the taxable property of said county, each year for two years, in addition to the other levies authorized by law.

SEC. 2. This act shall take effect and be in force from and after its passage.

JOHN A. WILLIAMSON,

*Speaker pro tem. of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Passed March 30, 1880.

[House Bill No. 128.]

## AN ACT

To regulate the distribution of any surplus that may remain in the treasury of the county of Scioto arising from tax on dogs.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That any surplus arising from tax on dogs in excess of one thousand dollars, and arising from said tax after January 1, 1880, remaining in the county treasury of the county of Scioto after all damages to sheep killed or injured by dogs shall have been paid, shall be apportioned to the different townships or wards in proportion to the amount of tax actually collected from said township or ward, and the said surplus, if any, shall be

paid to the treasurers of the several townships for the use of the school fund.

SEC. 2. Township treasurers of the several townships in Scioto county shall pay, on the order of the township clerk, to each of the sub-districts therein, in proportion to its enumeration of youth of school age for the use of the school or schools of said sub district, the amount found due the same from funds credited to the township from surplus dog tax.

SEC. 3. Township boards of education in the several townships of Scioto county shall reduce their levies for school purposes in proportion to the amount of money awarded to their township from surplus in sheep fund.

SEC. 4. This act shall be in force from and after its passage.

JOHN A. WILLIAMSON,

*Speaker pro tem. of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Passed March 30, 1880.

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[House Bill No. 351.]

AN ACT

To authorize the trustees of Hilliar township, Knox county, Ohio, to take charge of Rich Hill cemetery.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the trustees of Hilliar township, in Knox county, are hereby authorized and empowered to take charge of and control Rich Hill cemetery, in said Hilliar township, and they may do and perform, in reference to the same, all such acts and things as they are now authorized to do for any public cemetery, and to make deeds for lots therein, as provided for in section 1467 of the revised statutes, as well as to make deeds for lots therein to such parties, as in their judgment is right and proper, when the friends or relatives of such persons may have been buried therein.

SEC. 2. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,

*Speaker of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Passed March 30, 1880.

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[House Bill No. 358.]

AN ACT

To authorize the commissioners of Gallia county to levy an additional tax for poor purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the county commissioners of Gallia county, Ohio, be and they are hereby authorized, in the years 1880 and 1881, to levy upon each dollar of the taxable property of said county, for poor purposes, four-tenths of one mill in addition to the levy for said poor purposes now authorized by law; the same to be entered on the grand duplicate of said county, and collected as other taxes.

SEC. 2. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
 R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 1, 1880.

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[House Bill No. 412.]

AN ACT

To authorize the trustees of Zane township, Logan county, Ohio, to levy a tax in addition to that now authorized by law for the payment of a bonded debt, and the cost of erecting a township hall.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of Zane township, Logan county, be and they are hereby authorized to levy a tax not exceeding one-half mill on the dollar in any one year on all the taxable property on the duplicate of said township, for the payment of an indebtedness incurred by said Zane township in erecting a town hall; said levy to be made annually until said indebtedness is paid, and the levy for said purpose to be placed on the tax duplicate, and collected as other taxes, and the money raised by such levies shall only be used for the purpose named in this act.

SEC. 2. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
 R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 2, 1880.

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[House Bill No. 283.]

AN ACT

To authorize the commissioners of the county of Fulton, Ohio, to issue bonds for the purchase of abstracts of titles and syllabus of wills to complete the records of the county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of the county of Fulton, State of Ohio, are hereby authorized to purchase of E. L. Barber the abstracts of titles, syllabus of wills, and other matter in his possession, to complete the records of said county, and the commissioners may issue the bonds of said county in amount not to exceed seven thousand dollars; said bonds to be in sums of not less than one hundred, nor more than five hundred dollars, and bearing interest at six per cent., payable annually, and to be sold at not less than their par value.

SEC. 2. Said abstracts of titles and syllabus of wills shall, in the absence of other and stronger proof, be taken and held to be prima facie evidence in all questions of title relating thereto.

SEC. 3. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed March 30, 1880.

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[House Bill No. 357.]

AN ACT

To divide Union township, in Lawrence county, into two election precincts.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the township of Union, in the county of Lawrence, be and the same is divided into two election precincts, as follows: The first shall be called Proctorsville precinct, and shall include all that part of said township that lies east of Indian Guyan creek, and the voting place shall be in the village of Proctorsville. The second shall consist of the balance of the territory of said township, and be known as Union precinct.

SEC. 2. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed March 30, 1880.

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[House Bill No. 293.]

AN ACT

Authorizing the commissioners of Defiance county to levy a tax for road purposes.

WHEREAS, The board of commissioners of Defiance county has commenced the construction and repair, and selected for such purpose certain leading roads or highways in said county, by grading and draining the same, which said improvements were made in pursuance of "an act entitled an act authorizing county commissioners to levy a tax for road purposes in certain cases," passed April 30, 1869 (vol. 66, page 60, O. L.); and

WHEREAS, Said roads cannot be permanently improved by the expenditure of such sum of money as may be raised under the act above referred to, without a loss to the county of a large portion of the labor already expended thereon; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of county commissioners of Defiance county be and they are hereby authorized to levy, at their June session in each year, a tax upon all of the taxable property of said county listed on the general duplicate for taxation for the years 1880, 1881, 1882, 1883, 1884, 1885, and 1886, the amount of which proposed tax shall be fixed by said board of county commissioners, which in no event shall exceed, in either of the years above named, five (5) mills on the dollar.

SEC. 2 To anticipate the receipts which may come into the county treasury by virtue of such tax, the county commissioners may borrow such sum of money as shall not exceed nine-tenths (9-10) of the tax levied or to be levied, at a rate of interest not to exceed six (6) per cent. per annum, interest payable semi-annually, and issue bonds therefor in sums of not less than one hundred nor more than five hundred dollars (\$500) each, payable at such times and places as may be determined by said board of county commissioners; but no bond shall extend beyond a period of eight (8) years, and shall not be sold for less than their par value.

SEC. 3. The money so borrowed shall be expended under the direction of said county commissioners, in such manner as shall seem to them most advantageous to the interest of said county, for the graveling, macadamizing, or for the construction, reconstruction, or repair of such principal highways of said county as have been so commenced and selected for construction and repair as aforesaid, or as may hereafter be selected.

SEC. 4. Before the county commissioners shall make any levy under this act, they shall submit the question of accepting or rejecting the provisions of this act to the qualified electors of the county at a regular or special election, after giving at least ten days' notice thereof by posting in ten (10) of the most public places in each of the townships written or printed notices. The tickets to be voted at any election at which said question shall be submitted, shall have written or printed thereon the words, "Road improvement, Yes," or, "Road improvement, No," and returns of such election shall be made by the officers thereof, within five (5) days, to the county commissioners; and if said question shall be submitted at a special election, the officers thereof shall be chosen and qualified as in other cases, and shall receive for their services the same fees as are allowed by law to officers at general elections, to be paid out of the county treasury, on the warrants of the county auditor. If said question shall be submitted at a general election, the officers thereof shall make their returns to the county commissioners, and for their services shall receive the same fees as are allowed by law for making returns of elections of justices of the peace.

SEC. 5. The townships in which at any election held under the provisions of this act, there shall be a majority of all of the lawful votes cast against road improvements shall be exempt from the operation of this act; and this act shall be confined in its operations to those townships only in which a majority of the lawful votes cast shall be in favor of said question. And bonds as aforesaid shall be issued in proportion to the property valuation and tax levy of the townships accepting the provisions of this act.

SEC. 6 If at any time after one (1) year from any election which shall be held under the provisions of this act, fifty (50) or more tax-payers of any township shall, by written notice to the township trustees thereof, request an election to be held within such township for the purpose of voting upon the question of accepting or rejecting the provisions of this act, the trustees of such township shall, within ten (10) days after the receipt of such notice, proceed to give notice of such election as is provided in section four (4), which election shall be held and returns thereof made in the same manner as is prescribed in section four (4).



SEC. 7. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
 R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed March 30, 1880.

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[House Bill No. 434.]

AN ACT

To authorize the levying of a tax in Jackson township, Pike county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio, That* the trustees of Jackson township, Pike county, be and they are hereby authorized to levy a tax, not to exceed two mills on the dollar of taxable property in said township, or the purpose of building the approaches and a road to a bridge across the Scioto river, near the mouth of Carr's run in said township, which levy the said trustees are authorized to make at a meeting called for that purpose, or at any regular meeting, and the money arising therefrom shall be expended under and by the direction of the trustees of said township for the erection of said road and approaches aforesaid.

SEC. 2. Before the trustees shall have the right to make said levy, the question of making the same shall be submitted to the qualified electors of said township, at a regular or special election called by the trustees, of which five days' notice shall be given by posting up notices, specifying the object of said election, in at least four conspicuous places in said township, of the time and place where said election will be held; and if two-thirds of the electors voting at said election on said question of said levy shall vote in favor of the same, then said trustees are authorized to make said levy.

SEC. 3. Those voting in favor of said levy shall have written or printed on their ballots, "For river bridge," and those voting against said levy shall have written or printed on their ballots, "Against river bridge."

SEC. 4. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
 R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed March 30, 1880.

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[House Bill No. 374.]

AN ACT

To authorize the board of county commissioners of the county of Union to issue bonds to build a court-house.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio, That* for the purpose of raising money to build a court-house, in Marysville,

Union county, Ohio, the board of commissioners of said county are hereby authorized and empowered to issue the bonds of said county, in such sums as the said board of commissioners may determine, and, in the aggregate, not to exceed sixty-five thousand dollars, which bonds shall have proper interest coupons attached, and bear interest at a rate not exceeding six per cent per annum, payable on the first days of March and September of each year. The payment of the principal of said bonds shall not be deferred beyond a period of twenty years, and shall be payable at the pleasure of the commissioners after five years.

SEC. 2. Said bonds shall be signed by the commissioners and attested by the auditor of said county, who shall keep a record of all bonds issued, and to whom issued. Said bonds shall be negotiable, and payable at such place as the commissioners of said county may determine, which place shall be specified in said bonds, and they shall not be disposed of at less than their par value.

SEC. 3. That said board of commissioners are hereby authorized to levy an annual tax, to pay the interest of said bonds, not to exceed in any one year five tenths of one mill; and from and after the year 1885 to pay the principal and interest of said bonds, not to exceed in any one year one mill on the dollar of valuation of the taxable property of said county.

SEC. 4. That said board of commissioners are hereby authorized to use, in the construction of the court-house, such sum, in addition to the sixty-five thousand dollars herein authorized, as they may determine, not exceeding the proceeds of the sale of what is known as the old court-house property, being lot No. 46 of said village of Marysville; and for that purpose the said board are hereby authorized and empowered to sell said property at public auction, upon such terms as they may determine, after having given thirty days' notice in two newspapers published in said county, and of general circulation therein, of the time and place and terms of said sale, and to convey the same to the purchaser by a deed in fee simple.

SEC. 5. That the said board of commissioners are hereby authorized to let the contract for the erection and construction of said court-house, in parts or as a whole, as may be determined by the bids, for the best interest of said county, of which the commissioners shall be the judges.

SEC. 6 This act shall be in force from and after its passage.

THOS. A. COWGILL,

*Speaker of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Passed April 1, 1880.

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[House Bill No. 426]

#### AN ACT

To authorize the city council of the city of Mount Vernon to levy a tax for special purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio, That the city council of the city of Mount Vernon, in Knox county, be and it is hereby authorized to levy a tax of one-half mill in the year 1880, and one mill in the year 1881, or a like levy in any two years thereafter,*

upon all the taxable property on the general tax duplicate of said city, for the purpose of improving the public square of said city, and for the purpose of making such improvements as will protect and preserve the soldiers' monument now located in said public square.

SEC. 2. This act shall take effect and be in force from and after its passage.

JOHN A. WILLIAMSON,  
*Speaker pro tem. of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 9, 1880.

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[Senate Bill No. 126.]

AN ACT

To authorize the county commissioners of Cuyahoga county to build a monument or memorial tablet commemorative of the deceased soldiers and sailors of said county, and to purchase a site therefor.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the county commissioners of Cuyahoga county be and they are hereby authorized to levy a tax upon all the taxable property of said county not exceeding three-tenths of one mill, not more than one-tenth of which shall be levied and collected annually, for the purpose of erecting a monument or memorial tablet commemorative of the bravery and valor of all the soldiers and sailors from said county who were killed in any of the battles fought in the service of the republic of the United States, or who died from wounds or disease received or contracted in such service, and purchase a suitable site therefor.

SEC. 2. All plans and specifications for such monument or tablet, and the site thereof, together with the contract for the erection of which, shall be approved by the commissioners and the committee on monument of the soldiers' and sailors' association of said county; but the building thereof shall be supervised by, and the expense thereof paid upon vouchers approved by said commissioners: provided, however, that the cost and expense of such monument or tablet and site shall not exceed the amount of said levy.

SEC. 3. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 2, 1880.

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[Senate Bill No. 93.]

AN ACT

To authorize the creation of a special school district in Put-in-Bay township, Ottawa county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the territory now embraced in sub-school districts number one (1) and four (4) of the township of Put-in-Bay, and county of Ottawa, and de-

scribed as follows, to wit: The whole of South Bass island, together with Ballast island, Gibraltar island, Rocky or Rattle Snake island, Green island, Starve island, be and the same is hereby created and declared to constitute a special school district by the name of Put-in-Bay special school district.

SEC. 2. The electors of said special school district shall at once proceed to elect three members of the board of education: one for one year, one for two years, one for three years, from the first Monday in April next thereafter, who shall hold their offices for the term therein specified, and until their successors are elected and qualified. The said special school district shall be entitled to all of the school property within such territory, and the title thereto is vested in the board of education of said Put-in-Bay special school district.

SEC. 3. The said special school district shall be entitled to and shall receive their proportionate share of the school funds, and the funds levied for school-house and incidental expenses, in accordance with the enumeration of 1879, of children who are entitled to attend such schools, said funds being those now collected, or already levied and not collected, either in the county or township treasury.

SEC. 4. Said district shall be governed, in all respects, by such laws as now are or may hereafter be in force relating to special school districts.

SEC. 5. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,

*Speaker of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Passed April 6, 1880.

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[House Bill No 80.]

#### AN ACT

To amend sections one, two, three, and four of an "act to provide for the erection of bridges over Mill creek, and the Cincinnati, Hamilton and Dayton railroad, in Hamilton county," passed May 4, 1877. (Ohio laws, vol. 74, p. 503.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That sections one, two, three, and four of said act be amended so as to read as follows:

Section 1. To enable the commissioners of Hamilton county to obtain a suitable place for the construction of such bridge across Mill creek, it shall be lawful for said commissioners to cause cuts to be made straightening said stream between Harrison avenue and Gest street, and may cause to be constructed a bridge across Mill creek, at the place of the intersection of the continuance of said Liberty street with said stream thus straightened; and may also cause a bridge to be constructed across the track of the Cincinnati, Hamilton and Dayton railroad, at the place of the intersection of said Liberty street with said railroad.

Section 2. It shall be lawful for the said board of county commissioners to appropriate the necessary property for the making of said cut and the straightening of said stream, which necessary property shall be appropriated and the owners thereof compensated in accordance with the laws in force providing for compensation to the owners of private property appropriated to the use of corporations: provided, that so much of

the costs and expense of making said cut shall be paid by the Cincinnati, Hamilton and Dayton railroad company as shall be agreed upon, in writing, by said Cincinnati, Hamilton and Dayton railroad company and the board of county commissioners of Hamilton county, Ohio.

Section 3. That to provide for the payment of the cost of construction of such bridges, as provided for in this act (and of the property appropriated for the said cut), said commissioners are hereby required and authorized to expend from any money in the bridge fund of Hamilton county, Ohio, not otherwise appropriated, such sum or sums as may be necessary to carry out the requirements in whole, or in part, of section one of this act; and for the purpose of returning into the bridge fund such sum or sums so expended, and for the purpose of a full compliance with this act, the said commissioners shall and they are hereby authorized to levy and collect upon the real and personal property returned upon the grand levy of said county for the years 1880, 1881, and 1882, a tax not to exceed one-fifth of one mill for each of said years, provided that before any levy is made for the purpose herein specified the question shall be submitted to the qualified electors of said county at some general election, and if a majority of said votes cast at such election be in favor of said levy then such commissioners shall make such levy, and not otherwise.

Section 4. Said bridges shall be erected and the funds hereby provided shall be expended by and under the direction of the commissioners of Hamilton county.

SEC. 2. Said original sections one, two, three, and four, are hereby repealed.

SEC. 3. This act shall be in force from and after its passage.

THOS. A. COWGILL,

*Speaker of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Passed April 6, 1880.

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[House Bill No. 226.]

#### AN ACT

To regulate and provide for the appointment and selection of jurors in the county of Lucas.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio, That* the county commissioners of the county of Lucas shall provide and place in the office of the clerk of said county a wheel so constructed that, by turning the same, the pieces of paper, hereinafter mentioned, shall be thoroughly mixed, and that the names upon such pieces cannot be read or seen until withdrawn from such wheel.

SEC. 2. On the first Monday of April of each year, at two o'clock in the afternoon, the judges of the court of common pleas, who are residents in said county, or any two of them, shall meet at the court-house therein, and shall call to their assistance the auditor of said county, and the clerk of the court of common pleas thereof, who shall also act as the clerk of said judges; said judges shall then select such persons having the qualifications of electors in such number as shall be in the ratio of one to sixty of the population of said county, at the last federal census, and apportioned as near as may be to the several wards and townships of said county, in proportion to their population, and said clerk shall make

out a certificate containing said names, which shall be signed by said judges, who shall certify that the same contains the names of the persons selected at such time and place to serve as jurors for the ensuing year, which certificate shall be attested by said clerk, and filed and preserved in his office, and the names of the persons so selected shall be written by said clerk, on separate pieces of paper of the same size, and shall by him be put into said wheel, in the presence of said auditor, after they shall have first ascertained said wheel to be entirely empty.

SEC. 3. Said judges shall be furnished by said clerk and auditor with any documentary information in their offices, upon request therefor, but if any person, by request or otherwise, shall attempt to influence them to select or not to select himself, or any other person as such juror, he shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be fined in any sum not exceeding one hundred dollars, or be imprisoned in the county jail not more than twenty days at the discretion of the court.

SEC. 4. Whenever said clerk shall be directed by the order of any court of record therein, or any judge thereof, in vacation, to cause any number of persons to be summoned to serve as grand or petit jurors in such court, he shall forthwith, in the presence of the sheriff of said county, proceed to turn said wheel until said pieces are thoroughly intermixed, and shall then draw therefrom the number of names specified in such order for grand jurors and petit jurors, separately, and shall forthwith, unless otherwise directed by said court or judge, issue a venire facias to said sheriff, commanding him to summon the persons whose names are so drawn to attend as grand or petit jurors, as aforesaid, at the time and place specified in said order, and all grand and petit juries shall be impaneled from the persons so selected and summoned.

SEC. 5. Such sheriff receiving such venire facias shall forthwith serve and return the same, in such manner and form as may be required therefor, in the case of grand or petit jurors, by the revised statutes of the state, or by amendments, from time to time, thereto. And any juror that may be impaneled upon any grand or petit jury, shall be subject to the same disabilities, and may be challenged for the same cause, or causes, as may be provided by said statutes or amendments; and a challenge to the array shall be allowed, and the whole array shall be set aside when permitted by the provisions of said statutes and amendments; but no indictment shall be set aside for any irregularity in the apportioning and drawing of grand jurors, or misnomer of any of the grand jurors, who found the indictment: provided, that the said grand jurors possessed, in fact, the qualifications required to act as such grand jurors.

SEC. 6. When the sheriff is interested in any cause in any court of record, such court shall, on the application of the opposite party in interest, direct a special venire facias to be issued to the coroner of said county, commanding him to summon a jury having the qualifications and selected in the manner hereinbefore prescribed, the coroner acting in the drawing, instead of the sheriff, to try such cause; and when both the sheriff and coroner shall be interested, as aforesaid, or in case of the death, resignation, or absence from the county of both of them, then such process shall be so drawn and served by some suitable person designated by the said court, who, in all respects, shall act in the place of the sheriff, and his service and return shall be valid.

SEC. 7. Any person selected and summoned as a juror, as aforesaid,

who without reasonable and lawful cause, to be judged of by the court, refuses to serve, shall be fined in any sum not exceeding thirty dollars, as for a contempt of court. A juror, after being qualified, who refuses or neglects to obey or observe any order or injunction of the court, may be fined, as for contempt, in any sum, in its discretion, not exceeding one thousand dollars; and any fine so assessed may be collected by execution, and shall be paid into the county treasury and disbursed as other fines.

SEC. 8. A person who has served as a grand or petit juror, or both, in any court of record of this state, for three weeks in any one year, commencing on the first Monday in April thereof, shall be exempt from further service as a juror during the balance of the year. But nothing herein contained shall entitle a juror to be discharged from the grand jury during the session, or from a petit jury during the trial of a cause. But persons selected to serve as jurors, as aforesaid, shall, at all times, be entitled to the same exemptions from such services, by reason of their profession, business, or otherwise, as may, from time to time, be provided by the revised statutes or any amendments thereto.

SEC. 9. If no two of said resident judges mentioned in section two of this act, shall be present at the day and place therein mentioned, to apportion and select said jurors, or if, from any reason, said jurors shall not be then apportioned and selected, as aforesaid, a majority of said judges may appoint any other time to meet therefor, when they shall be governed by the provisions of this act, except as to time, and their proceedings shall have the same force and effect as if made at the time first aforesaid; and whenever it may become necessary, said resident judges, or any two of them, shall meet at such time and place as the court of common pleas may appoint, and shall then select such number of persons as said court may, by its said order, direct, and the names of such persons shall be written and deposited in said wheel, and certified as hereinbefore provided; and said judges, or any two of them, whenever they shall have met as aforesaid, may adjourn from day to day until their duties, under this act, shall be fully performed.

SEC. 10. When a jury has been impaneled for the trial of any cause, or when any cause is on trial in the common pleas court, in the county of Lucas, and it is deemed proper, by reason of the approaching termination of any term thereof, to continue and adjourn such trial to the next succeeding term, it shall be lawful for the court to order and direct that the trial be adjourned to a day certain, on which day the case shall proceed and be disposed of as if the trial had commenced at such succeeding term.

SEC. 11. This act shall take effect from and after its passage; and after its taking effect, no other provisions of law for the apportionment and selection of regular grand and petit jurors shall have any effect in the said county of Lucas, unless otherwise provided.

THOS. A. GOWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 8, 1880.

[House Bill No. 386.]

## AN ACT

To enable the board of education of Uniontown special school district to afford aid to the Fultonham academy.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio, That the board of education of the Uniontown special school district, in the county of Muskingum, be and is hereby authorized and empowered to lease to the Fultonham academy the second story of the public school building in said special school district for the purpose of academic education.*

SEC. 2. That said board of education are hereby authorized and empowered to pay out of the public school fund of said special school district to the Fultonham academy, for tuition, so much money, which, together with the amount received by said academy as tuition from persons attending the same as pupils, shall be sufficient to pay the teacher or teachers employed by said academy: provided, the amount so paid by the said board of education in any one year shall not exceed the sum of three hundred dollars; and provided further, that all children of school age residing within the limits of said special school district, who shall have acquired the necessary qualification for admission to said academy, shall be admitted and instructed therein free of tuition.

SEC. 3. This act to be in force from and after its passage.

THOS. A. COWGILL,

*Speaker of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Passed April 8, 1880.

[House Bill No. 233]

## AN ACT

To authorize J. M. Thompson, administrator de bonis non with the will annexed of William Morrison, senior, deceased, to pay a certain fund in his hands to trustees of Union township, Butler county, Ohio.

WHEREAS, William Morrison, senior, late of Warren county, Ohio, deceased, and in his last will and testament, bequeathed to Pisgah church in Butler county, Ohio, one hundred dollars, the interest on which to be paid by the elders of said church, annually, toward keeping the graveyard in repair; said graveyard being situate adjacent to said church in Union township, Butler county, Ohio; and,

WHEREAS, The said church has been abandoned as a place of worship, and the members and elders have surrendered the custody and care of the burial ground adjacent thereto to the township of Union, in said county of Butler, and the trustees of said township have assumed the custody and preservation thereof, in accordance with the statute in such case made and provided; and,

WHEREAS, J. M. Thompson, administrator de bonis non with the will annexed of the said William Morrison, senior, deceased, has fully administered said estate, and has remaining in his hands said bequest of one hundred dollars, and is desirous to pay the same to whoever may be legally authorized to receive from and receipt to him for the same; and the trustees of said township of Union being willing to receive the same, and



to hold and administer the same under the terms of said Morrison's last will and testament; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio, That* J. M. Thompson, administrator de bonis non with the will annexed of William Morrison, senior, deceased, be and he is hereby authorized and empowered to pay over said bequest of one hundred dollars to the township trustees of Union township, Butler county, Ohio; and that said trustees be and they are hereby authorized and empowered to receive the said bequest on behalf said township, to hold and apply the same in accordance with the terms in the last will and testament of said decedent; and that the receipt of the treasurer of said township of Union, therefor, shall be a complete discharge of all liability on the part of the said administrator, J. M. Thompson, for said fund.

SEC. 2. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 8, 1880.

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[House Bill No. 393.]

#### AN ACT

To authorize the city council of the city of Dayton to issue bonds to purchase machinery, improve, and extend the water-works of said city.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio, That* the city council of the city of Dayton be and is hereby authorized and empowered, for the purpose of purchasing machinery, improving and extending the water-works of said city, to issue bonds of said city of such denominations as may be deemed best, in any sum not exceeding fifty thousand dollars, for a length of time not exceeding twenty years, and at a rate of interest not exceeding six per cent. per annum, payable semi-annually; said bonds shall not be sold for less than their par value, and the proceeds thereof shall be applied to no other purpose than the purposes herein mentioned, and in such manner only as said council shall direct; and said bonds shall be signed by the mayor and clerk of said city, and be sealed by the seal of said corporation.

SEC. 2. The council of said city are hereby authorized to levy an annual tax of three tenths of one mill, in addition to the other taxes heretofore levied, or hereafter to be levied, for the redemption of said bonds and interest thereon, on all the taxable property of said city, until the said bonds and the interest thereon are paid and redeemed as the same may become due.

SEC. 3. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 8, 1880.

[House Bill No. 363.]

## AN ACT

To authorize the trustees of Royalton township, Cuyahoga county to remove bodies from abandoned or unused burial ground.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio, That the trustees of Royalton township, Cuyahoga county, be and they are hereby authorized to remove the bodies now remaining in the burial ground in the village of Royalton, to the new township cemetery, and they are further authorized, to defray the expense of such removal, to use any unexpended funds in the township treasury belonging to the township fund, and if not sufficient to levy a tax to defray said expenses.*

SEC. 3. This act shall be in force from and after its passage.

THOS. A. COWGILL,

*Speaker of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Passed April 8, 1880.

[House Bill No. 330.]

## AN ACT

To authorize the commissioners of Mahoning county to build a bridge across Mahoning river.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio, That the commissioners of Mahoning county be and they are hereby authorized and empowered, if in their judgment the same ought to be done, to build a bridge across the Mahoning river, in the city of Youngstown, at or near the foot of Market street therein, to the opposite bank, and to construct the necessary approaches thereto; and for the purpose of building said bridge and constructing said approaches, said commissioners are hereby empowered to issue the bonds of said county, not to exceed twenty-five thousand dollars (\$25,000), in sums of not less than one hundred nor more than five hundred dollars, and payable at such times as they may deem most advantageous, not exceeding five years from the date of their issue, and to negotiate and sell the same, but the interest upon such bonds shall not exceed six per cent. per annum, nor shall they be sold for less than their par value.*

SEC. 2. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,

*Speaker of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Passed April 8, 1880.

[House Bill No. 432.]

## AN ACT

To authorize the use of a portion of the school fund of sub-district No. 5, of Walnut township, Gallia county, Ohio, for the purpose of having a German school taught in said sub-district.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio, That the directors of sub-school district No. 5, of Walnut township, Gallia*

county, Ohio, be and the same are hereby authorized and instructed to appropriate and pay one-half of the public money received each year for school purposes, for a German school, to be kept and held in the school-house in said sub-district.

SEC. 2. This act shall take effect and remain in full force for the period of ten years from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 8, 1880.

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[House Bill No. 454.]

AN ACT

To authorize the trustees of the Free Presbyterian church of Salineville, Columbiana county, Ohio, to sell and convey real estate belonging to said church organization.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of the Free Presbyterian church of Salineville, Columbiana county, Ohio, be and they are hereby authorized and empowered to sell at not less than two-thirds of the appraised value, the church building and lot belonging to the said Free Presbyterian organization in the village of Salineville, Columbiana county, Ohio, to the United Presbyterian church of said village, for such sum and upon such terms as the said trustees may deem advisable, and to execute and deliver a deed in fee simple to the purchaser therefor; and the proceeds of such sale to be applied by the trustees to any debts the Free Presbyterian church may now owe, and the balance be invested or disposed of according to the wishes of a majority of the original members of said church.

SEC. 2. This act shall take effect from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 8, 1880.

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[House Bill No. 467.]

AN ACT

To authorize the board of education of the Conneaut village school district, in the county of Ashtabula, to levy an additional tax upon the property of said school district.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of education of the Conneaut village school district, in the county of Ashtabula, be and they are hereby authorized to levy for school purposes for the year eighteen hundred and eighty (1880), in addition to the seven mills now authorized by law to be levied, the additional rate of two and eight-tenths mills (2.8) upon all the property included within the present boundaries of said Conneaut village school district, and not exempt by law from taxation.

SEC. 2. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
 R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 8, 1880.

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[House Bill No. 463.]

AN ACT

To authorize the commissioners of Mercer county to sell certain real estate, and to direct how the proceeds are to be applied.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Mercer county, Ohio, are hereby authorized and empowered to sell at public or private sale, in whole or in parcels, and on payments not exceeding two years, and to execute good and sufficient deeds of conveyance therefor, the following described real estate, situated in said county of Mercer: All that portion of the west half of the northeast quarter of the northwest quarter of section one (1) that lies north of the center of the Celina and New Corydon road, and a strip of land 66-100 chains wide off the west side of that part of the east half of the northeast quarter of the northwest quarter of said section one (1), that lies north of said Celina and New Corydon road, all in town six (6), south of range two (2) east, containing in all twenty acres of land, more or less, and apply the proceeds arising from said sale in acquiring title to, and paying indebtedness upon the grounds now used and occupied by the Mercer county agricultural society as a fair ground. And after paying in full for said last mentioned grounds, it shall be the duty of the treasurer of said county to pay to the treasurer of said agricultural society, on the order of the auditor of said county, the residue of said proceeds to be used by said society in improving said grounds. Said grounds to be owned and controlled as provided in section four (4) of an act entitled "an act for the relief of the Mercer county agricultural society," passed May 5, 1877. (O. L., vol. 74, page 508.)

SEC. 2. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
 R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 8, 1880.

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[House Bill No. 428.]

AN ACT

To authorize the commissioners of Washington county, Ohio, to contract with the Marietta and Cincinnati railroad company, as reorganized, for the free use of its bridge across the Muskingum river for the purpose of public travel.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Washington county are hereby authorized to contract, at such price as may seem reasonable to said commissioners, with

the Marietta and Cincinnati railroad company, as reorganized, or other persons or corporations owning or controlling the bridge across the Muskingum river, at the city of Marietta, for the free use of said bridge for the purpose of common travel, for such term of years as the said commissioners may deem best; and said commissioners are hereby authorized to pay such price as may be agreed upon out of the general fund of said county; and if, in their opinion, they deem it necessary, they are hereby authorized to levy a sufficient tax upon the property of said county, in addition to the tax authorized under existing laws, for the purpose of covering said contract.

SEC. 2. This act shall take effect and be in force on and after its passage.

JOHN A. WILLIAMSON,  
*Speaker pro tem. of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 9, 1880.

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[House Bill No. 91.]

AN ACT

To authorize the commissioners of Ross county to change the valuation on certain real estate for the purpose of taxation.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Ross county are hereby authorized, if in their judgment justice demands, and they shall find that the depreciation in value has been greater on the property herein named than on other property in the vicinity thereof, to reduce the present valuation to such sum as may seem to them proper on the tax duplicate, for the purpose of taxation of a certain lot of land situate in Scioto township of said county, containing eleven acres, and known as the Emmit distillery property.

SEC. 2. This act shall take effect from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 9, 1880.

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[Senate Bill No. 127.]

AN ACT

Supplemental to an act entitled "an act to create a sub-school district in Seneca county, Ohio, to be called the Rockaway sub-school district," passed March 20, 1877.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of local directors heretofore elected as directors of the said joint sub-school district, now known as the "Rockaway sub-school district," be and they are hereby recognized as the legal board of local directors thereof.

SEC. 2. And be it further enacted, that the school-house to be built in the said joint sub-school district be and the same is hereby located

and shall be built upon the site selected by said local board of directors, in that part of said joint sub district which lies in said Scipio township; and in all other respects the said school house shall be built, and the funds shall be provided therefor, as provided by law in other like cases.

SEC. 3. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 9, 1880.

[House Bill No. 469.]

AN ACT

To authorize the village of Richwood, Union county, Ohio, to transfer certain funds to the hose-purchasing fund.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the council of the village of Richwood, Union county, Ohio, are hereby authorized to transfer to the hose-purchasing fund of said village the following sums from the following funds: From the general expense fund of said village, three hundred and eighty-seven dollars and forty-six cents (\$387.46); from the fund for the support of the fire department, one hundred and six dollars and fifty-five cents (\$106.55); from the water-supply fund, eighty-six dollars and seventy-three cents (\$86.73.)

SEC. 2. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. C. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 9, 1880.

[House Bill No. 459.]

AN ACT

Supplementary to an act to authorize the village of East Liverpool, Columbiana county, to issue bonds for the construction of water works, passed February 5, 1879.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the council of the village of East Liverpool, Columbiana county, Ohio, be and they are hereby authorized to issue the bonds of said village, not to exceed six thousand dollars, payable semi-annually, at a rate not to exceed six per cent. per annum, and sell the same at not less than their par value, for the purpose of completing the work mentioned in the act to which this is supplementary, and to pay the first year's interest on the bonds therein authorized to be issued. The bonds herein authorized are to be of the same denomination, payable within the time, signed in the same manner, and to be in all respects the same as the bonds stipulated in said act.

SEC. 2. Said council are hereby authorized to levy, in addition to the

tax now authorized by law, such sum as may be necessary to redeem said bonds, and to pay the interest thereon as they become due.

SEC. 3. This act shall take effect and be in force from and after its passage.

JOHN A. WILLIAMSON,  
*Speaker pro tem. of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 9, 1880.

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[House Bill No. 453.]

AN ACT

To authorize the commissioners of Marion county to borrow money on the bonds of the county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of the county of Marion be and they are hereby authorized to issue the bonds of said county in sums of not less than one hundred, nor more than five hundred dollars, bearing a rate of interest not to exceed seven (7) per cent. per annum, and payable at such times, not beyond one year from their date, as to them may seem proper, and to dispose of the same at not less than their par value, and in such amounts as may be necessary to discharge such liabilities against the county funds of said county as may exist or occur prior to the receipt of taxes levied according to law to meet such liabilities: provided, that there shall not be issued under this act an amount exceeding ten thousand dollars of such bonds.

SEC. 2. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 9, 1880.

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[House Bill No. 431.]

AN ACT

To repeal an act entitled "an act to authorize the trustees of Clinton township, Seneca county, to levy a tax to macadamize and improve the roads and highways in said township.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the act entitled "an act authorizing the township trustees of Clinton township, Seneca county, to levy a tax to macadamize and improve the roads and highways in said township," passed June 6, 1879, be and the same is hereby repealed.

SEC. 2. This act shall take effect on its passage.

JOHN A. WILLIAMSON,  
*Speaker pro tem. of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 9, 1880.

[House Bill No. 424.]

AN ACT

To enable the school board of Manchester village school district, Adams county, Ohio, to pay John M. Tyre for his services in teaching the colored youth of said district.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio, That the school board of said district be and hereby is empowered to settle with and pay said John M. Tyre for his services in full in any sum not exceeding one hundred and fifty dollars (\$150.00).*

SEC. 2. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 9, 1880.

[Senate Bill No. 205.]

AN ACT

To distribute the surplus dog tax in Brown county, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio, That the surplus amount of the dog tax collected in Brown county, Ohio, for the year 1879, after the payment of the losses for sheep killed, and the reservation of the sum required by law to be reserved, shall be paid into the free turnpike fund of said county for the use of said fund.*

SEC. 2. That this act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 10, 1880.

[Senate Bill No. 76.]

AN ACT

To authorize the boards of county commissioners of Hardin and Marion counties to increase the general levy, for county purposes, in said counties, for 1880 and 1881.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio, That the boards of commissioners of Hardin and Marion counties be and they are hereby authorized to levy, for county purposes, an additional tax of not more than one and five-tenths (1 5-10) mills upon each dollar of taxable property in their respective counties for the year 1880 and also for 1881, over and above the rate of tax now authorized by law for such purposes.*

SEC. 2. This act shall take effect and be in force from and after its passage.

JOHN A. WILLIAMSON,  
*Speaker pro tem. of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 10, 1880.



[House Bill No. 455.]

## AN ACT

To repeal an act to authorize the trustees of Alum creek monthly meeting of Friends to sell and convey certain lands, and re-invest the proceeds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio, That the act entitled "an act to authorize the trustees of Alum creek monthly meeting of Friends to sell and convey certain lands and re-invest the proceeds," passed April 6, 1876, be and the same is hereby repealed.*

SEC. 2. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 10, 1880.

[Senate Bill No. 147.]

## AN ACT

To authorize the commissioners of Brown county, Ohio, to construct certain free turnpike roads.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio, That the commissioners of Brown county, Ohio, be and they are hereby authorized to construct the following free turnpike roads:*

First road—Commencing at the Clermont county line, at the terminus of the Jackson pike, running east to the Sterling township election-house, and running on the line of the old road, as near as may be practicable, to connect with the Georgetown and Fayetteville free turnpike road at Greenbush.

Second road—Commencing at the Georgetown and Russelville free turnpike road, at a point between the lands of L. J. Kindle and James A. Porter, near the residence of Adolph Shaub; thence running south, as near as may be practicable, on the line of the old road, near the residences of Robert Conn, J. C. Chapman, and Robert C. Drake, to a point at or near the northwest corner of the land of Elmer M. Drake, intersecting the road running west from the Ripley and Hillsboro free turnpike road to Straight creek, at or near said corner of Elmer M. Drake's land.

Third road—Commencing at the Sterling township election-house and running on the line of the old road, as near as may be practicable, to the Clermont county line, at or near the residence of James Barr.

SEC. 2. That said county commissioners may, if they deem it best, issue bonds for the construction of said roads: provided, said bonds shall bear interest at the rate of six per cent. per annum, payable annually, and shall not be sold for less than their par value: provided further, that not more than twenty per centum of the cost of said improvement shall be assessed in any one year.

SEC. 3. That said commissioners shall, before proceeding to construct said roads, or any one or parts of same, require and secure from those interested in said improvements, a subscription or donation equal in amount to twenty per centum of the cost of said improvements, to aid in the

construction of the same; or, in lieu thereof, may cause those interested in said improvements to grade and culvert said roads, or parts of roads, ready for the material for the same.

SEC. 4. That, for the purpose of paying said bonds, the county commissioners are hereby authorized to levy and assess a tax not exceeding one mill on the dollar, annually, on any and all property in said county, excepting such lands as heretofore have been assessed for the construction of any free turnpike or improved road or roads already constructed, unless the amount that would be ratably levied upon the said lands shall exceed the amount of such assessment.

SEC. 5. That a majority of said board of commissioners shall, at a regular session, be necessary to agree upon specifications, and order said improvement or any part thereof.

SEC. 6. This act shall be in force and take effect from and after its passage.

JOHN A. WILLIAMSON,  
*Speaker pro tem. of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 10, 1880.

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[House Bill No. 324.]

AN ACT

To authorize the city council of the city of Portsmouth, Scioto county, Ohio, to transfer certain funds therein named.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio, That the city council of the city of Portsmouth, Scioto county, Ohio, be and they are hereby authorized to permanently transfer five thousand three hundred and twenty-five dollars and forty-six cents (\$5,325.46), now to the credit of the sinking fund of said city, to the general fund; also to permanently transfer four thousand seven hundred and eighteen dollars and six cents (\$4,718.06), now to the credit of the sinking fund of said city, to the street fund; also to permanently transfer nine hundred and forty-seven dollars and ninety cents (\$947.90), now to the credit of the sinking fund of said city, to the police fund; also to permanently transfer two thousand and seventy-four dollars and eighteen cents (\$2,074.18), now to the credit of the sinking fund of said city, to the fire department fund; also to permanently transfer nine thousand two hundred and fifty-two dollars and fourteen cents (\$9,252.14), now to the credit of the sinking fund of said city, to the interest fund; also to permanently transfer one hundred and eighty-nine dollars and thirteen cents (\$189.13), now to the credit of the sinking fund of said city, to the gas fund.*

SEC. 2. This act shall take effect from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 12, 1880.

[House Bill No. 484.]

## AN ACT

To authorize the commissioners of Jackson county to lease certain lands.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Jackson county, Ohio, are hereby authorized to let and lease, for the period of ninety-nine years, ninety feet, or less, out of the public square fronting on Main street, half way between the courthouse and jail, and running back from Main to Court streets, situated in the village of Jackson, in said county, to any person or persons, or to the corporate authorities of said village, for the purpose of erecting thereon a public hall, to be used for intellectual, musical, dramatical, political, and other purposes.

SEC. 2. The act passed May 5, 1877 (O. L., 74, p. 587), is hereby repealed.

SEC. 3. This act shall take effect from its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 12, 1880.

[Senate Bill No. 192.]

## AN ACT

To enable the commissioners of Franklin county, Ohio, to issue bonds for building a bridge across the Scioto river, on West Broad street, Columbus.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That to enable the commissioners of Franklin county, Ohio, to raise money to build a bridge across the Scioto river, on West Broad street, Columbus, Ohio, as authorized by an act passed March 18, 1880, they are hereby further authorized and empowered to issue the bonds of Franklin county, Ohio, in sums not less than one thousand dollars each, and not to exceed in the aggregate sixty thousand dollars, bearing interest at a rate not exceeding six per cent. per annum, interest payable semi-annually; said bonds to be payable in not exceeding five years, and redeemable at the pleasure of the county commissioners at any time after two years; the proceeds from the levy of five-eighths of one mill for two years, upon the taxable property of said county, authorized by said act of March 18, 1880, to be applied to payment of said bonds and interest.

SEC. 2. The said bonds shall be signed by the commissioners of said county, and countersigned by the auditor, who shall keep a record of all bonds issued, to whom issued, and when made payable; said bonds shall be made negotiable, but shall not be disposed of at less than their par value.

SEC. 3. This act shall take effect and be in force from and after its passage.

JOHN A. WILLIAMSON,  
*Speaker pro tem. of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 12, 1880.

[Senate Bill No. 166.]

## AN ACT

To authorize the purchase of toll-roads in Pickaway and Greene counties, and to convert the same into free roads.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of Pickaway and Greene counties, when petitioned to do so by not less than one hundred freeholders, citizens of the county, shall, and they are hereby authorized and required to purchase any or all of the toll-roads, or parts of toll-roads, within their respective counties: provided, that, before such purchase is made, the commissioners of the county shall make an order submitting the purchase of said toll-roads to the electors respectively of each of said counties, at any regular spring or fall election, giving at least ten days' notice thereof, in at least two newspapers published in said county; and at such election the voters who are in favor of such purchase shall inscribe on their ballots, "Purchase of toll-roads, yes;" and those opposed thereto shall inscribe on their ballots, "Purchase of toll roads, no;" and if, at any such election, a majority of those voting on said question are in favor of such purchase, the said commissioners may make such purchase, but not otherwise. The vote on said question shall be returned by the judges of election to the clerk of the court of common pleas, who shall open, count, and declare the same, as in an election for county officers, and certify the same to the county commissioners.

SEC. 2. In case the vote so taken shall result in favor of the purchase, three disinterested appraisers of all the roads proposed to be purchased shall be appointed, as follows: One by said commissioners, one by the probate judge of said county, and the other by the court of common pleas of said county, or a judge of said court, resident of the subdivision in which said county is situate; and said appraisers, after being first sworn faithfully and honestly to discharge their duties in that behalf, shall personally inspect said roads so far as the same are within said county, and examine into the receipts thereof, and the cost of maintaining the same for the next preceeding five years, and make and return in writing to said commissioners a valuation of each of said roads.

SEC. 3. If the report of said appraisers is satisfactory to the commissioners and the probate judge of said county, and they, or a majority of them, indorse their approval thereon, as to all or any of said roads, the commissioners shall submit to the company or companies of the road or roads which have been so appraised, and the appraisal thereof approved as aforesaid, a proposition for the purchase thereof, at a price not exceeding in any case such appraisal; and if such proposition is accepted by such company or companies, the said commissioners shall thereupon purchase the same, and take conveyance thereof from such company or companies, and pay such company or companies in money, or in bonds to be issued as is hereafter specified; and thereupon such roads so purchased shall cease to be toll-roads, and become free roads, to be kept in repair in the manner prescribed in the revised statutes of Ohio, passed June 20, 1879.

SEC. 4. For the purpose of paying for said roads, or parts of roads, said commissioners may issue bonds payable at such times, and in such amounts, as will be, as near as practicable, equal to the semi annual collection of taxes levied for that purpose, which bonds shall bear interest not exceeding six per centum, payable semi-annually, which bonds may

be delivered to said companies in payment for said roads, or parts of roads, or sold for money at not less than their par value; but none of said bonds shall run more than eight years from date; and for the payment of said bonds, said commissioners are authorized to levy, annually, on the taxable property of said county, in addition to the taxes they are otherwise authorized to levy, such sum annually as will fully pay said bonds and the interest thereon: provided, however, that all lands or lots of land of said county, which have been assessed for the construction of any road under said act of March 20, 1867, or the acts amendatory thereof or supplementary thereto, and the owners thereof who are required to pay the tax levied for such purchase, or any part thereof, shall be entitled to have repaid to them out of any tax they are so required to pay for said purchase, the amount of said assessment so paid by them or their grantors, which repayment shall in no instance exceed the amount of said tax they shall have so paid; and, for the purpose of adjusting this refunding of taxes, the auditor of said county shall prepare a book of all such assessments paid in the county, in which shall be noted all amounts so refunded, and in no instance shall a greater amount be refunded to any person than the assessment paid by him, and no tax shall be refunded but on the order of the auditor.

SEC. 5. The said appraisers shall be paid by the county, upon the allowance of the commissioners, three dollars per day and their necessary expenses, for the time actually employed in the business of their appointment; and the county auditor and county treasurer, for their services under this act, shall be entitled to one-half of the lowest rate of fees now allowed to them by law for like services.

SEC. 6. The sale under this act by any company owning a toll-road of such part of said road as lies within said county shall not affect their organization or rights as to such part or parts of their road as may be situate outside of said county.

SEC. 7. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 12, 1880.

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[Senate Bill No. 69.]

#### AN ACT

To amend an act entitled "an act to enable the commissioners of Montgomery and Warren counties to purchase toll roads, and to convert the same into free roads," passed and took effect May 10, 1878. (Ohio Laws, vol. 75, p. 1150.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio, That the above recited act be amended so as to read as follows:*

SEC. 2. That the county commissioners of Montgomery county, when, in their opinion, the interests of the said county require the same to be done, may and they are hereby authorized and empowered to purchase any or all the toll roads within said county, as hereinafter provided.

SEC. 3. So soon as may be after the passage of this act, the said commissioners shall make an order to that effect on their journal, and

thereupon, there shall be appointed three competent disinterested freeholders of said county in the manner following, to wit: One by said commissioners, one by the directors of said road, and one by the judge of the court of common pleas, residents of said county; and said appraisers, after being duly qualified to faithfully discharge the duties required of them by law, shall, within twenty days after their appointment, proceed to personally inspect and examine as to the net profits of each road, and appraise all the toll roads in said county, together with the bridges and culverts thereon, at their actual value; and within forty days from the time of their appointment, said appraisers shall make and return, in writing, to said commissioners, the valuation or present worth in money of each of said roads, including the bridges and culverts thereon, but deducting therefrom the present value of any bridge or bridges built by said county, or of any subscription or contribution made by said county toward the construction of the same; said report shall separately state the money value of each road-bed less the right of way of said road-beds, and the separate value of the bridge and culvert thereon.

SEC. 4. That upon the filing of said report by said appraisers, if the appraised value of said roads shall be deemed reasonable, the commissioners shall submit to the owner or owners of said toll roads a proposition for the purchase of the same, at a price not to exceed such appraisal; and if such proposition is accepted, the said commissioners shall thereupon purchase the same, and take conveyance thereof from such owner or owners; and to provide for the payment of said roads, said commissioners are hereby authorized to issue the bonds of the county at their par value, the payment of the same to be made in annual installments not to exceed seven years, and to bear a rate of interest, payable annually, not to exceed six per cent.; and thereupon said roads shall be declared free roads, to be kept in repair as hereinafter specified; and in any and all cases the commissioners of said county may reserve the right to reject the appraisement or award, should they deem the same excessive, and thereupon said commissioners may appoint another board of appraisers, who shall have the same power as the first board had.

SEC. 5. For the purpose of paying the bonds named in this act, and interest thereon, the county commissioners are authorized and empowered to annually levy upon the grand duplicate of the county an amount, which, in their opinion, may be sufficient for the payment of said bonds and interest thereon; and for the purpose of keeping said roads in repair, the county commissioners are authorized and empowered to annually levy upon the grand duplicate of the county an amount sufficient to keep said roads in repair, which fund shall be known as a special pike fund, and shall be collected as other taxes, and shall be, and remain, under the control of the county commissioners; and to further provide for keeping in repair said roads, there shall be elected in each of the townships of said county, wherein any of said roads, or parts thereof, may be situated, on the first Monday of April, 1881, and annually thereafter, one special pike commissioner, whose duty it shall be to keep in repair said roads, or parts of roads, in such township; and he shall do and perform his labor upon said roads under the instruction of the county commissioners, and receive from them, from time to time, such portion of the special pike fund as they may deem proper, to be paid upon estimate and upon the order of the county auditor. Said commissioner shall receive for his services two dollars for each and every day he may be ac-

tually employed on said roads, but nothing in this act shall be so construed as to allow him buggy hire, or additional pay of any kind.

SEC. 6. Said appraisers shall receive their actual expenses and two dollars per diem for each day actually employed in the discharge of their duties.

SEC. 7. This act shall take effect and be in force from and after its passage; and said original act is hereby repealed.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 12, 1880.

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[Senate Bill No. 161.]

AN ACT

To authorize the incorporated village of Glenville, Cuyahoga county, to transfer certain moneys from the street lighting fund to the general fund of said village.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of the incorporated village of Glenville, Cuyahoga county, be authorized to transfer the sum of two hundred and four dollars and seventy-nine cents from the street lighting fund of said village to the general fund.

SEC. 2. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 12, 1880.

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[House Bill No. 156.]

AN ACT

For the relief of the widow and heirs of N. H. McKean.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That whereas, N. H. McKean, late a citizen of Illinois, about the year 1870 died in the city of Columbus, Ohio; and whereas, said McKean died owning and possessed of certain personal property, which was duly administered upon in the county of Franklin, Ohio, and because no legal heirs or other representatives of said McKean could be found, the proceeds of said estate were duly paid into the common school fund of said county, as provided by law in said cases; and whereas, persons claiming to be the widow and legal heirs of said McKean now come forward and claim said proceeds, the court of common pleas of said county, upon petition or petitions filed by such widow and heirs, or either of them, in said court, against the commissioners of said county, and due service of process, as in other cases, is hereby authorized to hear and determine, upon evidence, whether such person, or either of them, are or is the widow,

or the heir, or heirs-at-law of said McKean, and if, upon such hearing, the court find such person or persons be such widow, or heirs-at-law, said court shall fix the distributive share to which any such person is entitled, and thereupon the auditor of said county shall draw his warrant, or warrants, in favor of such person or persons, for his or her distributive share of such fund, as indicated by the court, upon the treasurer of said county, and said treasurer shall pay the same out of the common school fund of said county. But such proceeding in said court shall be subject to review, as in other cases.

SEC. 2. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 12, 1880.

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[House Bill No. 423.]

AN ACT

To authorize the board of education of Brush Creek township, Scioto county, to levy a tax to pay for the erection, or repair, or furnishing of school-houses in said township, and to pay any indebtedness on account of same.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of education of Brush Creek township, in Scioto county, be and they are hereby authorized to levy a tax, not exceeding two mills on the dollar in any one year, in addition to tax now authorized by law, for the purpose of building any necessary new school-house or houses in said township, and for the purpose of paying any existing indebtedness on account of building repairs, or refurnishing of school-houses now existing in said township.

SEC. 2. This act shall be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 13, 1880.

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[House Bill No. 259.]

AN ACT

To protect and improve the public park ground belonging to the people of Medina county, situate in the incorporated village of Medina.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of the county of Medina are hereby empowered and authorized to levy a tax not to exceed one-tenth of one mill on the dollar, for the year one thousand eight hundred and eighty, on the taxable property of said county, for the purpose and to be expended in protecting and improving the public park grounds belonging to the county of Medina, and situate in the incorporated village of Medina, in said county.

SEC. 2. Said levy, when made and collected as provided in section



one, shall be expended under the direction of a commission, consisting of the commissioners of said county and the mayor of the incorporated village of Medina.

SEC. 3. Said levy, as provided in section one, when collected and received in the county treasury, shall be paid out by the county treasurer of said county, for the purpose designated in section one of this act, upon the order of the county auditor of said county, upon the commissioners of said county of Medina certifying to said auditor, in writing, duly signed, that said money so levied and collected has been expended in accordance with the provisions of said sections one and two of this act.

SEC. 4. The commission, as provided in section two, shall, immediately after the collection of said levy, proceed and make such improvements as a majority of all the members of said commission shall determine and propose.

SEC. 5. No further levy shall be made for the protection and improvement of said park grounds until all of the money raised under the provisions of section one of this act has been expended for the purposes aforesaid, in which event, should a majority of the commission, as provided in section two of this act, deem that further protection and improvement of said public park grounds are needed, said commission are thereupon empowered and directed to levy an additional tax, not to exceed one twentieth of a mill upon the dollar of the taxable property of said county for any one year; said levy to be expended as provided in sections one and two of this act, and to be drawn out of the treasury of said county upon the order of the county auditor, as provided in section three of this act.

SEC. 6. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,

*Speaker of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Passed April 13, 1880.

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[House Bill No. 448.]

#### AN ACT

To authorize the commissioners of Scioto county to levy a tax for the completion of the Duck Run and Renshaw and Lucasville and Bear Creek free turnpikes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Scioto county be and they are hereby authorized and required to levy a tax, of not to exceed one-half of one mill ( $\frac{1}{2}$ ) on the dollar of the duplicate valuation of the taxable property of the county, for 1880 and 1881, to be used in the completion of the Duck Run free turnpike, from its present terminus at A. R. Throckmorton's to the intersection of the same with the Mount Joy free turnpike, at a cost not to exceed four thousand dollars (\$4,000.00); and in the completion of the grading and graveling of the Renshaw road, from Portsmouth and Columbus turnpike to the Cemetery turnpike, at a cost not to exceed nine hundred dollars (\$900.00); and the Lucasville and Bear Creek free turnpike, from the Portsmouth and Columbus turnpike, by way of Scioto river bridge, to the Bear Creek free turnpike, at a cost of not to exceed fifteen

hundred dollars (\$1,500.00); and the said commissioners shall expend out of the tax now authorized by law, in each of the years 1880 and 1881, that sum for each road authorized to be finished, which shall be in proportion to the total amount so authorized to be levied.

SEC. 2. This act shall be in force from and after its passage.

THOS. A. COWGILL,

*Speaker of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Passed April 13, 1880.

[House Bill No. 367.]

#### AN ACT

To authorize the city council of the city of Xenia, Greene county, to issue bonds for the purpose of purchasing a suitable building and grounds, or site, and erecting thereon a city work-house.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio, That* the city council of the city of Xenia, Greene county, be and the said council is hereby authorized to issue the bonds of said city, in any sum not exceeding ten thousand dollars (\$10,000), bearing interest at a rate not exceeding six per cent. per annum, from the date of issue, payable semi-annually, for the purpose of purchasing a suitable building and ground, or for purchasing a site, and erecting thereon a city work-house.

SEC. 2. Said bonds shall be signed by the president of the city council and countersigned by the clerk of said city. They shall not be sold for less than their par value, and shall be issued in such amounts, respectively, as will, in the judgment of said council, best subserve the negotiation and sale thereof. The principal shall be payable at such times as the council of said city may determine by ordinance, within a period not exceeding twenty years.

SEC. 3. Before such bonds shall be issued, or before any contract shall be made for the purchase of suitable building and grounds, or purchasing of ground and the erection of said city work-house, the question of such issue and contract shall be first submitted to the voters of said city, at some general or special election, to be held at the usual places of holding elections therein, and at such time as a majority of the members elected to said council by resolution shall determine, of which ten days' notice shall be given in two newspapers of general circulation in said city, designating the time of such election and the proposed amount of bonds to be issued. Those in favor of the erection of said city work-house and the issue of said bonds shall have written or printed upon their ballots, "City work-house, yes;" and those opposed, "City work-house, no." The city clerk shall provide the necessary ballots for the use of electors of said election, which shall be conducted in accordance with the laws of the state; but the returns thereof shall be made to the city clerk, who shall present the returns so made by him to the city council at their next regular meeting thereafter, when the same shall be opened and canvassed by said city council, and the result declared and entered upon the minutes; and if it shall appear that a majority of the ballots voted at said election had upon them, "City work-house, yes,"

then said council may proceed to issue said bonds, and contract for a suitable building or grounds, or for the purchase of a site and the erection of said work-house, and not otherwise.

SEC. 4. This act to take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 13, 1880.

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[House Bill No. 480.]

AN ACT

To authorize the trustees of London and Jackson townships in Seneca county, Perry township in Wood county, and Washington township in Hancock county, to levy taxes to improve the public highways in said townships.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio, That* the boards of trustees of said townships be and they are hereby authorized to levy and assess upon the taxable property of their townships respectively, including such part of the village of Fostoria as is situated therein, a tax not exceeding three (3) mills upon the dollar valuation of such property in addition to other taxes authorized by law for each of the years 1880, 1881, 1882, 1883, and 1884, for the purpose of macadamizing and improving the public highways in said townships respectively, outside the corporate limits of said village, and for no other purpose: provided, the question of making such levy be submitted to the electors of each of said townships by its board of trustees at a special election, to be held within twenty days after the passage of this act, due notice of which shall be given by the posting of advertisements at six of the principal public places therein at least ten days prior to the time fixed for holding the election, and a majority of the votes cast at such election be in favor of such taxation.

SEC. 2. That the taxes so authorized to be levied shall be placed upon the duplicate of said counties respectively, collected as other taxes in money, and when collected shall be paid to the treasurer of the respective townships from which the same were collected, and be under the control of the trustees thereof, for the purpose herein specified.

SEC. 3. That said townships shall be exempt from the levy and collection of taxes for road purposes by the county commissioners, until the county levies for road purposes equal the amount levied upon said townships respectively in accordance with this act. And when the total rates of county levies for road purposes exceed the total rates levied under the authority of this act, said townships respectively shall be liable to a county levy to the extent of such excess and no more.

SEC. 4. This act shall take effect on its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 13, 1880.

[House Bill No. 486.]

## AN ACT

To authorize the trustees of certain townships in Putnam county, state of Ohio, to levy taxes to improve the public highways in said townships, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of trustees of the several townships, to wit: Van Buren, Liberty, Palmer, Monroe, Perry, Greensburg, Ottawa, Blanchard, Riley, Pleasant, Union, Jackson, Monterey, Jennings, and Sugar Creek, in the county of Putnam and state of Ohio, be and are hereby authorized to levy and assess upon the taxable property of their townships respectively, including the villages situated in any of said townships, a tax not exceeding four mills in any one year upon the dollar valuation of said taxable property in addition to other taxes authorized by law, for a period not exceeding twenty years, for the purpose of improving by macadamizing and graveling the public highways in said townships respectively as may be deemed expedient or necessary by said board of trustees of said townships and for no other purposes: provided, the question of making such levy be submitted to the electors of each of said townships by its board of trustees at a special election to be held within said townships at the usual place or places of holding elections, at any time after the passage of this act, due notice of which shall be given by the posting of advertisements at five or more of the principal places at each of said townships at least ten days prior to the time fixed for holding said election (the tickets to be voted at said election shall have written or printed thereon the words, "Road improvements, Yes," or, "Road improvements, No"), and a majority of the votes cast at such election be in favor of such taxation the said trustees of said respective townships shall be required, upon the petition of twenty or more tax-payers of said townships, to issue a call for said election.

SEC. 2. That the taxes authorized to be levied shall be placed by the county auditor upon the taxable property of the township so voting said tax, to be collected by the county treasurer as other taxes in money, and when collected shall be paid to the treasurers of the respective townships from which the same were collected, and be under the control of the trustees thereof for the purposes herein specified: provided, no such taxes shall be levied on any lands which have heretofore been assessed specially for the construction of any macadamized or gravel road already constructed at the time of the levy of the tax herein provided, unless the amount that would ratably be levied on such lands exceed the amount of such special assessment, and in such case such excess only shall be levied and collected.

SEC. 3. That said townships so voting said tax shall be exempt from the levy and collection of taxes for road purposes by the county commissioners until the county levy for road purposes equal the amount levied upon said townships respectively in accordance with this act.

SEC. 4. For the purpose of raising the money necessary to meet the expenses of such road improvements by macadamizing and graveling, the township trustees of such townships as have authorized levies to be made for such purposes shall issue the bonds of said townships in sums of five hundred or one thousand dollars each, payable at such times and places as they may deem advisable, with interest not exceeding six per cent. per annum, payable semi-annually, and which bonds shall not be sold for less than their par value: provided, that no levy or assessment

shall be made to pay any part of the principal of said bonds for the period of fifteen years.

SEC. 5. A majority of the board of trustees of such townships as have authorized said tax to be levied shall be necessary to agree upon specification and order said road improvements or any part thereof, and the work of the construction of such roads shall be let publicly by the said township trustees for their respective townships, to the lowest responsible bidder, after due notice given of such letting by the publication in one or more newspapers published or of general circulation in the county, or by hand bills, or both; for that purpose the said trustees for their respective townships shall cause the same to be divided into convenient sections, and said sections numbered from some given point as a place of beginning toward the termination, and shall let the same by sections, with proper specifications of the work required on each section, and bidders shall be required to separately state their bids for the work to be performed in such manner as the trustees shall provide, and each contractor shall be required to give bond with good and sufficient securities to the acceptance of the trustees for the faithful performance of his contract.

SEC. 5. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 13, 1880.

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[Senate Bill No. 184.]

#### AN ACT

To authorize the commissioners of Noble county to construct certain free turnpike roads.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That it shall be the duty of the county commissioners of Noble county to construct the following free turnpike roads:

First—To begin at a point on the Williamsburgh and Summerfield turnpike, at or near Edward Roe's gate; thence running as near as practicable on the line of the old Calais road to the Monroe county line.

Second—To begin at a point on the Williamsburgh and Summerfield turnpike, in the town of Williamsburgh, where Mill street intersects said pike; running thence on the line of the Temperanceville road to the Belmont county line.

SEC. 2. That the commissioners of said Noble county shall pay for the construction of said free turnpikes in the bonds of the county, which bonds they shall issue, payable at such times as they may deem best, not exceeding five years from date; said bonds to bear interest at a rate not exceeding six per cent. per annum, payable semi-annually on the first day of January and on the first day of July.

SEC. 3. Said roads shall be macadamized with lime-stone, and shall be built under the supervision of a competent engineer, appointed by the commissioners, who shall receive five dollars per day for his services.

SEC. 4. That to pay the interest on said bonds, and to provide a sinking fund for the final redemption of the same, the commissioners are hereby authorized to levy upon the taxable property of said county a tax, not exceeding one mill on the dollar in any one year.

SEC. 5. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 14, 1880.

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[House Bill No. 7.]

AN ACT

To authorize the auditor of Butler county to refund taxes erroneously paid by Sarah A. Reeder and her heirs.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the auditor of Butler county, in said state, be directed to inquire into the claim of Sarah A. Reeder and her heirs at law, of said county, for taxes erroneously paid into the treasury thereof, to the amount of three hundred dollars (\$300.00), and if, upon investigation, he shall be satisfied that said sum, or any portion thereof, was erroneously paid by said Sarah A. Reeder or her heirs as aforesaid, that then said auditor is hereby authorized and directed to draw an order on the treasury for the sum that has been erroneously paid, without including interest, and the said treasurer shall pay the amount out of any unexpended funds in said county treasury; and at the next annual settlement occurring after the payment of said amount, the auditor shall deduct from the several funds their proportional amount of the sum thus paid on his order. Said auditor is authorized to receive and hear testimony to determine said amount.

SEC. 2. That this act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 14, 1880.

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[House Bill No. 496.]

AN ACT

To amend an act entitled "an act to authorize the county commissioner of Henry county, Ohio, to issue bonds to build a court-house, jail, and sheriff's residence."

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section one of the above entitled act be amended so as to read as follows: That the commissioners of Henry county, Ohio, for the purpose of raising money to build a court-house, jail, and sheriff's residence, in Napoleon, Henry county, Ohio, be and are hereby authorized and em-

powered to issue the bonds of said Henry county in sums of not less than one thousand dollars each, and in the aggregate not to exceed one hundred thousand dollars, which bonds shall have proper interest coupons attached, and bear a rate of interest not exceeding six per centum per annum, payable on the first days of January and July. The payment of the principal of said bonds shall not be deferred beyond a period of twenty years, and shall be payable at the pleasure of the commissioners after ten years.

SEC. 2. That the original section one of said act is hereby repealed.

SEC. 3. This act to take effect and be in force from and after its date.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 14, 1880.

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[House Bill No. 449.]

AN ACT

To authorize the permanent transfer of the balance of the Columbus street improvement fund of Brooklyn village, to the road fund of said village.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio, That* the council of the incorporated village of Brooklyn, Cuyahoga county, Ohio, be and the same is hereby authorized to permanently transfer the balance of the Columbus street improvement fund, amounting to the sum of three hundred and thirty-five (335) and 38-100 dollars, to the road fund of said Brooklyn village.

SEC. 2. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 14, 1880.

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[House Bill No. 22.]

AN ACT

To amend an act entitled "an act to authorize the commissioners of Hardin county to pay the indebtedness of the agricultural society of said county," passed June 7, 1879. (O. L. vol. 76, p. 291.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio, That* section one (1) of the above entitled act be so amended as to read as follows:

Section 1. That for the purpose of paying the indebtedness of the Hardin county agricultural society, not exceeding three thousand dollars, the county commissioners of said county are hereby authorized, from year to year, until the same is paid, to apply so much as may be needed for that purpose, of any funds that may remain from the per capita

tax upon dogs, after the payment of all claims for sheep killed or injured, as provided in section 4215 of the revised statutes of Ohio.

SEC. 2. That said original act be and the same is hereby repealed, and this act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,

*Speaker of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Passed April 15, 1880.

[House Bill No. 452.]

#### AN ACT

To authorize the commissioners of Hamilton county to grade and macadamize the Ferguson road and the Bridgetown road, from the Short-line and Lick-run turnpike to the Muddy-creek pike.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of Hamilton county be and they are hereby authorized to grade and macadamize so much of what is known as the Ferguson road as extends from the Short-line and Lick-run turnpike to its intersection with the Bridgetown road, and so much of said Bridgetown road as lies between said intersection and Muddy-creek turnpike, all in Greene township, and to pay the cost of the same out of any unexpended balance in the road fund of said county.

SEC. 2. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,

*Speaker of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Passed April 15, 1880.

[House Bill No. 140.]

#### AN ACT

To authorize the commissioners of Wyandot county, Ohio, to pay unpaid bounty money to soldiers of company F, 101st regiment, O. V. I.; in the war of the rebellion.

SECTION. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of Wyandot county shall, after the passage of this act, ascertain as nearly as possible the number of persons who enlisted from said county, in company F, of the 101st regiment, Ohio volunteer infantry, in the late war of the rebellion, and pay to each one of said soldiers, or his legal representatives, out of any funds in the county treasury which may have ever been collected as a bounty or relief fund for soldiers of said war, and transferred to the county fund of said county, the sum of sixty dollars, or money enough to make the difference between what has already been paid to such soldier, and one hundred dollars.

SEC. 2. The said commissioners and the auditor of said county of



Wyandot are hereby empowered and required to re-transfer any fund in the treasury of said county that came from bounty or relief funds back to the soldiers' bounty fund for the purpose of paying the bounty mentioned in section one of this act, and should there not be a sum sufficiently large to pay all of said bounty funds to said soldiers of said company F, 101st regiment, O. V. I., then said commissioners are required to raise the balance of such funds by direct taxation, to be levied and collected as other taxes are.

Sec. 3. This act shall take effect and be in force on its passage.

THOS. A. COWGILL,

*Speaker of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Passed April 15, 1880.

[House Bill No. 395]

AN ACT

To authorize the council of the village of West Cleveland, Ohio, to transfer the moneys now to credit of the sinking fund and interest fund of said village to the road fund and general fund of said village.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of the village of West Cleveland, Cuyahoga county, Ohio, be and is hereby authorized to transfer from the moneys now to the credit of the sinking fund of said village the sum of five hundred dollars to the general fund of said village, and the sum of twelve hundred and twenty-four and 38 100 dollars (\$1,224.38-100) from said sinking fund to the road fund of said village, and the sum of two hundred and seventy-seven and 25-100 dollars (\$277.25-100) from the interest fund of said village to the road fund of said village.

Sec. 2. That this act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,

*Speaker of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Passed April 15, 1880.

[Senate Bill No. 237.]

AN ACT

To authorize the commissioners of Van Wert county, Ohio, to transfer funds from tax on dogs to the Van Wert county agricultural society.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of Van Wert county, Ohio, be and they are hereby authorized to transfer to the Van Wert county agricultural society any funds in the treasury of said county raised from the taxation of dogs, and not used or necessary for the purpose for which it was raised, the

sum of one thousand dollars, to be used by said society for the payment of its debts and improvement of its grounds.

SEC. 2. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 15, 1880.

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[House Bill No. 243.]

AN ACT

To establish a high school district in Lemon and Liberty townships, Butler county, and Turtle Creek township, Warren county, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio, That* the territory comprised in the southern precinct of Lemon township, Butler county, Ohio, and so much of the territory of Turtle Creek township, Warren county, Ohio, as is now included in sub-school districts numbered eight and ten, of said Lemon township, Butler county, Ohio, with so much of the territory lying in the northern precinct of said Lemon township as is now included in sub-district school number eight, of said Lemon township; and the territory comprised in the school district known as Oak Hill, and also known as sub-district school number two, in Liberty township, Butler county, Ohio, be and is hereby declared to be a special high school district, to be known as the Monroe high school district: provided, however, that a majority of the electors within said territory shall vote in favor of said special school district, at an election to be held in the manner following:

SEC. 2. That written notices shall be posted in three of the most public places in each school district in said territory, at least ten days before said election, signed by at least ten resident electors of said territory, requesting the qualified electors thereof to assemble on a day, at an hour and place designated in said notices, then and there to vote for or against the creation of said high school district. The electors assembled at the time and place designated in said notices shall appoint a chairman and two clerks, who shall be the judges of said election, which shall continue for at least four hours, and shall not close before six o'clock P.M. The electors in favor of said high school district shall have written or printed on their ballots the words, "High school district, yes," and those opposed thereto the words, "High school district, no;" and if a majority of the ballots so cast are in favor of said high school district, it shall be created, otherwise not.

SEC. 3. That, should a majority of the ballots so cast be in favor of said high school district, the clerks of the several boards of directors of the several sub-districts composing said high school district shall constitute the board of education of said high school district; and said board last named shall be governed by, and the school under its control shall be constituted in accordance with the provisions of this act, and the general laws of this state relating to public schools, as far as said laws are applicable.

SEC. 4. That said board last mentioned shall establish and maintain

a high school, which shall be located in the village of Monroe, in said territory, to which school the youth of school age of said high school shall be admitted free of charge, and to which pupils, non-residents of said district, may be admitted upon such terms as the board thereof may prescribe, as provided by the laws aforesaid.

SEC. 5. That said board shall, as soon as practicable, procure, by lease or purchase, as may seem most expedient to said board, a site in said village for said school, and to erect thereon, if necessary, and to furnish a school-house in which to conduct said school, at a total cost, for site and furnished house complete, of not more than six thousand dollars; for which purpose said board are hereby authorized to borrow money, if expedient, in amount not exceeding said sum, and to issue bonds therefor; said bonds shall be in such sums, not less than one hundred dollars each, as such board shall determine; shall be numbered consecutively; shall bear interest at a rate not to exceed six per cent. per annum, payable annually; shall be dated the day the purchase money therefor shall be received; shall be made payable to bearer; shall be signed by the president and clerk of said board, officially; and shall not be sold for less than their par value. The clerk of said board shall keep a record of the number, date, amount, rate of interest, the price for which sold, the name of the purchaser, and the time for payment of each bond sold; which record shall be open for inspection at all reasonable times.

SEC. 6. That at least three hundred dollars, and not more than five hundred dollars, of the principal, in addition to all the interest due on the entire principal, shall be paid each year; and in order to secure the money for the payment of said indebtedness, said board shall levy a tax upon the property subject to taxation within said high school district, each year, until said indebtedness shall be entirely paid, and shall certify said levy, annually, to the county auditor, who shall place the same upon the tax duplicate in the same manner as other taxes certified by boards of education are required to be placed thereon.

SEC. 7. That, for the purpose of conducting and maintaining said high school, said board shall, annually, levy a tax, not exceeding five mills on the dollar, upon all the property subject to taxation within said district last named, which tax shall be certified and placed upon the tax duplicate, in the same manner as the tax specified in section six (6) of this act; and the tax mentioned in this and the preceding section of this act shall be collected and paid over to the officers and persons entitled thereto, in the same manner as are other taxes levied and certified by boards of education.

SEC. 8. That any school district adjacent to said territory may become a part of said high school district, upon such terms and conditions as the board of education of said high school district, and the board of directors or education, as may be, of said adjacent district may agree to, if said terms and conditions shall be ratified by a majority of the electors of said high school district, and by a majority of the electors of said adjacent district, at an election to be held between the hours of two and six o'clock P. M., of a day to be agreed upon by the said board, at a polling place within said high school district, and in said adjacent district, to be designated by the boards of the said districts.

SEC. 9. Written or printed notices, containing the terms and conditions aforesaid, and specifying the time and respective places of holding said election, and signed, officially, by the clerk of the high school, or adjacent district, as may be, in which said elections are to be held, shall

be posted, at least ten days before said election, in at least three of the most public places in each of said special or sub-districts interested, requesting the electors of said district to meet at the time and respective places mentioned, then and there to appoint a chairman and two clerks, who shall be judges of the said elections, and proceed to vote for or against the ratification of said union of districts, upon the designated terms and conditions. The electors in favor of said union shall have written or printed on their ballots the words, "Ratify, yes," and those opposed, the words, "Ratify, no." Immediately after the close of said election, the judges thereof shall count the ballots cast, and make return of the result, in writing, in form, as near as may be, the same as in other school elections, to the clerk of each board mentioned in section eight (8) hereof; and one of the judges shall deliver said returns, in person, on or before the day of meeting mentioned in the next section (10) of this act.

SEC. 10. That on the Monday next following said election, the boards mentioned in section eight (8) shall hold a meeting, at which said returns shall be read, and the result of said election, as shown by said returns, shall be entered in the minutes of said meeting. If a majority of the votes cast in each of said districts mentioned in section eight shall have been in favor of the said union, the said adjacent district shall be a part of said high school district, subject to terms and conditions aforesaid. The clerk of said high school district shall, officially, notify the county auditor of this fact, and the auditor shall act accordingly in all his duties relating to said districts, as now required by law.

SEC. 11. That it is the intent and meaning of this act to confer upon the districts herein mentioned the benefits of a high school, in addition to the schools already existing therein; but in no other way to affect the existence, rights, liabilities, or condition of said districts, and of the schools therein.

SEC. 12. That this act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 15, 1880.

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[Senate Bill No. 49.]

#### AN ACT

To divide the township of Jefferson, Montgomery county, into five election precincts.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio, That the township of Jefferson, in Montgomery county, be and hereby is divided into five election precincts, as follows :*

#### PRECINCT NUMBER ONE.

SEC. 2. All of the township of Jefferson, in the county of Montgomery, except the lands therein owned by the national asylum for disabled vol-

untee soldiers, and known as the soldiers' home, shall be and constitute one election precinct, and be designated as Jefferson township precinct number one.

#### PRECINCT NUMBER TWO.

SEC. 3. All that part of the lands belonging to said soldiers' home, which are described as follows, to-wit: Beginning at the southeast corner of said home grounds, and running thence westwardly along the southern boundary line thereof to the entrance gate at Illinois avenue; thence northwardly along the center of Illinois avenue to New Jersey avenue; thence along the center of New Jersey avenue to Ohio avenue; thence in a northerly direction along the center of Ohio avenue to Pennsylvania avenue; thence northwardly along the center of Pennsylvania avenue to the northern boundary line of Jefferson township; thence eastwardly along said northern boundary line to the northeast corner of said township; thence in a southerly direction, and following the eastern boundary line of said home grounds to the place of beginning, shall constitute and be known as Jefferson township precinct number two.

#### PRECINCT NUMBER THREE.

SEC. 4. All that part of said soldiers' home grounds which are described as follows, to wit: Beginning at said entrance gate on Illinois avenue, the southwest corner of precinct number two, and running thence northwesterly along the western boundary line of said precinct number two to the center of Kentucky avenue; thence westwardly with the center of Kentucky avenue to its intersection with Maine avenue; thence southwardly with the center of Maine avenue, three hundred and thirty feet, more or less to a point equi-distant from barrack number twenty, and the barrack next to it on the south; thence westwardly, at right angles to Maine avenue, and mid-way between said barrack number twenty and the barrack adjoining it on the south, to the center of Connecticut avenue; thence southwardly along the center of Connecticut avenue and the line thereof produced, to the southern boundary of said home grounds; thence eastwardly along the said southern boundary line to the place of beginning, shall constitute and be known as Jefferson township precinct number three.

#### PRECINCT NUMBER FOUR.

SEC. 5. All that part of said soldiers' home grounds which are described as follows, to wit: Beginning at the southwest corner of said precinct number three, and running thence northwardly along the western boundary line of said precinct number three to the center of Iowa avenue; thence northwardly along the center of Connecticut avenue to a point therein equi-distant from barrack number twenty and the barrack next to it on the south; thence eastwardly, at right angles, to Connecticut avenue, and midway between said barrack number twenty and the barrack adjoining it on the south, and also on the boundary line of precinct number three, to the center of Maine avenue; thence northwardly with the center of Maine avenue to Kentucky avenue; thence in a westerly direction along the center of Kentucky avenue and the center of a road which is a continuation of said avenue, to the western boundary

line of said home grounds; thence southwardly with the western boundary line of said home grounds to the southwest corner thereof; thence eastwardly along the southern boundary line of said home grounds to the place of beginning, shall constitute and be known as Jefferson township precinct number four.

#### PRECINCT NUMBER FIVE.

SEC. 6. All that part of said soldiers' home grounds situated in Jefferson township not comprised within said precinct number two, precinct number three, and precinct number four, shall constitute and be known as Jefferson township precinct number five.

SEC. 7. The said election precincts as herein established shall not be changed or abolished except by act of the general assembly.

SEC. 8. The township trustees of said township shall fix the places of holding all elections in said precincts in the manner provided by law: provided, that said polling places shall be located outside of the boundaries of the said soldiers' home grounds, and within one hundred feet thereof, and no two of said polling places shall be located within five hundred yards of each other, and all elections in said precincts shall be governed by the same laws, and be conducted in the same manner as in precincts established by county commissioners in pursuance of law.

SEC. 9. This act shall take effect and be in force from and after July 4, 1880.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 15, 1880.

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[Senate Bill No. 80.]

#### AN ACT

To authorize the commissioners of Wayne county, to compromise with the sureties of John R. Helman and Jacob B. Koch late treasurers of said county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Wayne county be and are hereby authorized, in their discretion, to settle and compromise with the sureties on the official bonds of John R. Helman and Jacob B. Koch, late treasurers of said county, and discharge them from liability upon the bonds of said Helman and Koch, as treasurers of said county, on any judgment that may be rendered thereon, upon the payment by them into the county treasury of said Wayne county, of such sum or sums of money as to said commissioners shall seem proper and expedient: provided, that not less than twenty-five per cent. of the deficit in said county treasury arising from the defalcation of said John R. Helman, as ascertained and reported by the examiner, T. E. Peckenpaugh, and of the defalcation of said Jacob B. Koch not heretofore released and discharged, late treasurers of said county, shall on the aggregate be paid into said county treasury: and provided further, that no such compromise and settlement shall be made by said commissioners until the question of such settlement shall have been submitted to the qualified electors of said Wayne county, at any regular or special

election held therein, of which not less than thirty days' notice shall be given in two newspapers published and of general circulation in said county, and if a majority of the votes cast at such election, on the question of said compromise and settlement shall be in favor of said compromise and settlement, the commissioners shall compromise and settle with said sureties in the manner above provided.

SEC. 2. At said election, the electors of said county, voting for said settlement, shall have written or printed on their ballots the words, "Compromise and settlement of liability on account of suretyship on bonds of John R. Helman and Jacob B. Koch, yes," and those voting against the same, the words, "Compromise and settlement of liability on account of suretyship on bonds of John R. Helman and Jacob B. Koch, no," and it shall be the duty of the judges of the election in the several townships, precincts and wards in said Wayne county at such special or regular election, when the notice of the same has been advertised as provided for, to open a poll for taking said votes and to receive and count the ballots cast, and, within three days thereafter to return to the auditor of said county, a full return and correct abstract of said votes, specifying the affirmative and negative vote on the question so submitted; and the judges of election shall be governed by the laws regulating general elections, and the poll-books so returned shall, within five days after the day of holding such election as herein provided, be opened and the votes counted by the commissioners and auditor of the county; a correct statement of the result of which vote shall be kept by said auditor on file in his office for public inspection.

SEC. 3. That the alternate propositions to be submitted to the electors by this act shall be printed or written on their ballots to be voted at said election, and if one clause be erased, the alternate one shall be counted, if both clauses relating to the same proposition be erased or neither clause be erased said vote shall not be counted.

SEC. 4. That such compromise and settlement shall in nowise release or discharge the said John R. Helman and Jacob B. Koch from any civil or criminal liability.

SEC. 5. This act shall be in force and take effect from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 15, 1880.

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[House Bill No. 472.]

AN ACT

To authorize the council of the city of Urbana to transfer funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio, That from and after the passage of this act the council of the city of Urbana, Ohio, is hereby authorized to transfer any surplus moneys belonging to*

the sinking fund of said city, not required for the redemption of warrants or demands upon said fund, to the corporation and sewerage fund of said city; such transfer to be by ordinance passed for that purpose.

SEC. 2. This act shall be in force from and after its passage.

THOS. A. COWGILL,

*Speaker of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Passed April 15, 1880.

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[House Bill No. 436.]

AN ACT

To allow the commissioners of Gallia county to levy a tax to repair the principal highways therein.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of Gallia county are hereby authorized to levy one mill annually upon all the taxable property in said county, to be levied and collected as other taxes are, for the purpose of repairing the principal highways therein, and the money so collected may be expended under their direction.

SEC. 2. This act shall be in force from and after its passage.

THOS. A. COWGILL,

*Speaker of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Passed April 15, 1880.

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[Senate Bill No. 184.]

AN ACT

To authorize the commissioners of Noble county to construct certain free turnpike roads.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That it shall be the duty of the county commissioners of Noble county to construct the following free turnpike roads:

First—To begin at a point on the Williamsburgh and Summerfield turnpike, at or near Edward Roe's gate; thence running as near as practicable on the line of the old Calais road to the Monroe county line.

Second—To begin at a point on the Williamsburgh and Summerfield turnpike, in the town of Williamsburgh, where Mill street intersects said pike; running thence on the line of the Temperanceville road to the Belmont county line.

SEC. 2. That the commissioners of said Noble county shall pay for the construction of said free turnpikes in the bonds of the county, which bonds they shall issue payable at such times as they may deem best, not exceeding five years from date; said bonds to bear interest at a rate not exceeding six per cent. per annum, payable semi-annually on the first day of January and on the first day of July.

SEC. 3. Said roads shall be macadamized with limestone, and shall be built under the supervision of a competent engineer, appointed by the commissioners, who shall receive five dollars per day for his services.



**SEC. 4.** That to pay the interest on said bonds, and to provide a sinking fund for the final redemption of the same, the commissioners are hereby authorized to levy upon the taxable property of said county a tax not exceeding one mill on the dollar in any one year.

**SEC. 5.** This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 15, 1880.

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[House Bill No. 174]

**AN ACT**

To authorize the county commissioners of Jefferson county to make certain improvements therein named.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Ohio,* That the county commissioners of Jefferson county be and they are hereby authorized to extend, enlarge, and repair a certain water way and sewer leading south from the line of the Cleveland and Pittsburgh railroad, and along Market street, in the town of Newburgh, Jefferson county, Ohio.

**SEC. 2.** When such improvement shall have been completed, the said commissioners shall report the expense of the same to the county auditor, who shall draw his warrant on the county treasurer for the amount, or such part thereof, as the said commissioners may direct; and the county treasurer shall pay said warrant from any moneys in the treasury not otherwise appropriated.

**SEC. 3.** This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 16, 1880.

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[Senate Bill No. 73.]

**AN ACT**

Authorizing and directing the county commissioners of Hamilton county to assess a tax for road purposes.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Ohio,* That the county commissioners of Hamilton county, in addition to their other powers of taxation, be and they are hereby authorized and directed to assess upon the grand levy of the taxable property of said county, and to cause the same to be collected, a tax not exceeding two-tenths (2-10) of one mill on the dollar, of which not more than one-tenth (1-10) of one mill shall be assessed and collected in any one year, to be applied and expended in the opening and grading and construction of an avenue, extending from Boldface creek, in the city of Cincinnati, through the village of Riverside, to what is known as the Anderson ferry road, in the township of Delhi, in said county: provided, that the money collected

under the provisions of this act shall be expended under the directions of the commissioners of said county, and no part of the money so collected shall be expended in procuring the right of way, or in payment for damages in the construction of said avenue.

SEC. 2. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 17, 1880.

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[House Bill No. 425.]

AN ACT

To increase the pay of real estate assessors and their assistants in the county of Hamilton, state of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio, That* the county commissioners of Hamilton county, state of Ohio, be and are hereby authorized and directed to pay said assessors of real estate and their assistants, the sum of one dollar per day, for each day necessarily employed in the performance of their duties, in addition to the amount allowed by law, upon proper vouchers by said county commissioners, and the approval of the board of control of said county.

SEC. 2. This act shall take effect from and after its passage.

JOHN A. WILLIAMSON,  
*Speaker pro tem. of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 17, 1880.

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[House Bill No. 403.]

AN ACT

To authorize the city council of the city of Dayton to invest the market-house fund of said city in United States bonds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio, That* the city council of the city of Dayton, Ohio, are hereby authorized to invest the amount of money now in the city treasury of said city to the credit of the market-house fund, and the money that will hereafter arise from the sale of market-house space, in United States securities, until such time as the same shall be required to redeem the market-house bonds of said city, that being the purpose for which said fund is set apart.

SEC. 2. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 17, 1880.

## [Senate Bill No. 163.]

## AN ACT

To authorize the commissioners of Hamilton county to levy a tax for opening grading, and completing an avenue known as Columbia avenue, extending from Martin street in the city of Cincinnati to Tusculum avenue.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of Hamilton county, in addition to their other powers of taxation, be and they are hereby authorized to assess and collect upon the grand levy of the taxable property of said county, a tax not exceeding two tenths of a mill on the dollar, of which not more than one-tenth of a mill shall be assessed in any one year, to be applied to the opening, grading, and completing of an avenue extending from Martin street to Tusculum avenue, and known as Columbia avenue, running through the first ward: provided, that so much of said tax as shall be expended on that portion of said avenue situated within the corporate limits of the city of Cincinnati, shall be expended by and under the direction of the board of public works of said city: and, provided further, that the fund raised by said levy shall not be diverted from the object for which this levy is authorized, or transferred to the credit of any other fund, or used for any other purpose whatever: and further provided, that Columbia avenue shall be established, opened, graded, and completed on such route as may be determined on by said board of public works.

SEC. 2. This act shall take effect from and after its passage.

THOS. A. COWGILL,

*Speaker of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Passed April 17, 1880.

## [House Bill No. 497.]

## AN ACT

Authorizing the trustees of Grace Reform church, of Columbiana, Columbiana county, to remove all bodies remaining in Grace Reform church lot to the Columbiana cemetery.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the trustees of Grace Reform church, in the village of Columbiana, Columbiana county, be and they are hereby authorized to remove all bodies remaining in Grace Reform church lot to the Columbiana cemetery, near the village of Columbiana in said county.

SEC. 2. This act to be in force from and after its passage.

JOHN A. WILLIAMSON,

*Speaker pro tem. of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Passed April 17, 1880.

[House Bill No. 357.]

## AN ACT

To create a special school district in the townships of Madison, Elk Run, and St. Clair, in the county of Columbiana.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio, That* there is hereby created a special school district, to be composed of the following territory, to wit: sections one, two, three, four, five, six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-four, and the north-east quarter of section twenty-five, in the township of Madison, and all of the territory now embraced in the joint sub-districts known as number seven, in Elk Run township, and number seven, in St. Clair township; said special district shall be known as Madison township special school district. But no change of the lines of the several sub-districts and joint sub districts as now existing shall be made for at least three years from the passage of this act.

SEC. 2. This act shall take effect and be in force from and after its passage.

JOHN A. WILLIAMSON,  
*Speaker pro tem. of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 17, 1880.

[Senate Bill No. 84.]

## AN ACT

To authorize the survey and estimate of the grading of certain roads in Perry county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio, That* the commissioners of Perry county may cause to be made surveys of the following public roads in said county, and estimates of excavation and embankment (except in the villages and immediate approaches thereto), suitable to a road thirty-three feet in breadth, graded to six degrees for each mile and fraction of a mile of said roads:

First. Commencing at the village of Thornport, thence through the villages of Thornville, Somerset, New Lexington, and Shawnee, to the village of New Straitsville.

Second. From Mt. Perry, in Madison township, to the Zanesville and Maysville turnpike.

Third. From Saltillo, in Clayton township, to New Lexington.

Fourth. From Maxville, in Monday Creek township, to said village of Shawnee.

Fifth. From the public road crossing the boundary line between Bearfield and Monroe townships, thence through Moxahala, and thence to the nearest available point on said line, between Shawnee and New Lexington.

Sixth. From New Lexington, or such point on the above line between it and Shawnee, to such other point in Jackson township, not exceeding three miles from the western boundary line, as may be agreed on between said commissioners and the trustees of said Jackson township.

Seventh. From Glenford to the Dunkard church in Hopewell township.

SEC. 2. Said surveys and estimates to be returned in writing and filed in the office of the county auditor for public reference.

SEC. 3. The engineers and assistants shall be paid out of the county treasury county fund upon the order of the county auditor, approved by the said commissioners.

SEC. 4. No person shall be employed in said work unless before entering thereon he sign a statement in writing of the terms of such employment and the full price therefor, which statement shall immediately be endorsed by said commissioners and filed and retained in the office of the county auditor.

SEC. 5. This act shall take effect from and after its passage.

JOHN A. WILLIAMSON,  
*Speaker pro tem. of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 17, 1880.

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[House Bill No. 401.]

AN ACT

For the relief of the board of education of Florence township, Erie county, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of education of the township of Florence, in the county of Erie, and state of Ohio, be hereby authorized and empowered to proceed at their first regular or special meeting held after the third Monday in April, 1880, to determine, by estimate, the amount of money necessary to be levied to pay for purchasing an addition to lot and cost of building a school-house and furnishing the same in joint sub-district number seven of said township, erected therein by said board in the year eighteen hundred seventy-nine, and apportion said amount in accordance with section three thousand nine hundred and sixty one, and certify the same, so estimated and apportioned, to the auditor of the proper counties, as provided in section three thousand nine hundred and sixty-two of the revised statutes: provided, that nothing herein contained shall affect the question as to whether there is or is not a legal joint sub-district now existing, composed of parts of Florence and Henrietta townships, and if any tax shall be assessed upon Henrietta township as herein provided for, and paid over to the board of education of Florence township, and the court shall hereafter determine that no legal sub-district existed at the passage of this act, then said board shall return the amount so paid to Henrietta township.

SEC. 2. This act shall take effect and be in force from and after its passage.

JOHN A. WILLIAMSON,  
*Speaker pro tem. of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 17, 1880.

[House Bill No. 501.]

## AN ACT

To authorize Sabina village school district, in Clinton county, Ohio, to build an additional school-house.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio, That* the board of education of Sabina village school district, in the township of Richland, county of Clinton, state of Ohio, be and are hereby authorized to issue bonds on said school district to the amount of twenty-four hundred dollars, in sums of not more than one hundred dollars nor less than fifty dollars, and payable as follows, to wit: six hundred dollars on the first day of July, in the year eighteen hundred and eighty-two; six hundred dollars on the first day of July, eighteen hundred and eighty-three; six hundred dollars on the first day of July, eighteen hundred and eighty-four, and six hundred dollars on the first day of July, eighteen hundred and eighty-five, and to bear six per cent. interest, payable annually, for the purpose of building and furnishing an additional school building on the site of the present school building in said school district, and to be joined to and abut the same. Said bonds shall be signed by the members of said school board, and countersigned by the clerk of said board.

SEC. 2. For the purpose of paying said bonds and interest, and erecting said school-house as aforesaid, the board of education of said Sabina village school district be and are hereby authorized to levy a tax on the taxable property of said district, in the year eighteen hundred and eighty, six hundred dollars; in the year eighteen hundred and eighty-one, six hundred dollars; in the year eighteen hundred and eighty-two, six hundred dollars; in the year eighteen hundred and eighty three, six hundred dollars, and in the year eighteen hundred and eighty-four, six hundred dollars.

SEC. 3. This act shall be in force from and after its passage.

JOHN A. WILLIAMSON,

*Speaker pro tem. of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Passed April 17, 1880.

[House Bill No. 504.]

## AN ACT

To authorize the village of West Liberty, Logan county, to levy an additional tax to improve its cemetery.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio, That* the council of the village of West Liberty be and they are hereby authorized to levy a tax, not exceeding one-half mill in any one year, on all the taxable property on the duplicate of said village, for the purpose of improving the cemetery of said village, and the levy for said purpose to be placed on the tax duplicate, and collected as other taxes, and the money raised by such levies shall be used only for the purpose named in this act: provided, that said tax shall not be levied for more than two years.

SEC. 2. This act shall take effect and be in force from and after its passage.

JOHN A. WILLIAMSON,  
*Speaker pro tem. of the House of Representatives.*

Passed April 17, 1880.

R. G. RICHARDS,  
*President pro tem. of the Senate.*

[ House Bill No. 505.]

AN ACT

To authorize the council of the city of Delaware to issue bonds for certain purposes, and to repeal an act therein named.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the council of the city of Delaware, Delaware county, Ohio, be and the same is hereby authorized to issue the bonds of said city in any sum not exceeding forty thousand dollars, bearing interest not exceeding six per cent. per annum, payable semi-annually from the date of issue, for the purpose of finishing a public hall to be used for public offices, and such other public purposes as the council may authorize: provided, that all work hereafter done, in the erection and finishing said public hall, shall be let by contract to the lowest responsible bidder, after plans and detailed estimates are made of such work by a competent architect, which plans, with detailed drawings, shall be prepared and open to the inspection of bidders at least two weeks before the letting of the work.

SEC. 2. Said bonds shall be issued in such amounts respectively as will, in the judgment of said council, best subserve the negotiation and sale of the same.

SEC. 3. The council of said city, for the purpose of paying said bonds, is hereby authorized to levy a tax, in accordance with law, upon the taxable property and real estate of said city, to be certified to the auditor of said county of Delaware, and to be collected as other taxes for city purposes.

SEC. 4. That the act entitled "an act to authorize the council of the city of Delaware to issue bonds for the purpose of purchasing a site and erecting thereon a public hall to be used for public offices and such other public purposes as the council may authorize, passed April 24, 1879," be and the same is hereby repealed.

SEC. 5. That this act shall take effect and be in force from and after its passage.

JOHN A. WILLIAMSON,  
*Speaker pro tem. of the House of Representatives.*

R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed April 17, 1880.

# JOINT RESOLUTIONS.

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[House Joint Resolution No. 3.]

## JOINT RESOLUTION

Providing for placing Miss Frank Sadler in insane asylum.

WHEREAS, Miss Frank Sadler, now living in Painesville, Lake county, Ohio, and a resident of this State but nine months, is in a condition of insanity which threatens to become incurable unless speedily treated; and.

WHEREAS, The apportionment for said Lake county in the Cleveland asylum is not full; therefore, be it

*Resolved by the General Assembly of the State of Ohio,* That the superintendent of the said Cleveland asylum be and is hereby authorized and required to receive the said Miss Frank Sadler as a patient into the Cleveland asylum.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Adopted January 13, 1880.

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[Senate Joint Resolution No. 5.]

## JOINT RESOLUTION

Providing for a joint meeting of the two houses relative to the election of a United States senator.

*Be it resolved by the General Assembly of the State of Ohio,* That the members of the two houses of this general assembly convene in joint assembly in the hall of the house of representatives on Wednesday, January 14, 1880, at 12 o'clock M., for the purpose of such action as may be necessary relative to the election of a United States senator.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Adopted January 14, 1880.

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[Senate Joint Resolution No. 9.]

## JOINT RESOLUTION

To print additional copies of the rules.

*Resolved by the General Assembly of the State of Ohio,* That there be printed for the use of senators and members one thousand additional copies of the rules of the senate and house of representatives in the form



as provided in Senate Joint Resolution No. 7, and that the same be bound in muslin.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Adopted January 23, 1880.

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[Senate Joint Resolution No. 7.]

JOINT RESOLUTION

To print copies of the manual.

*Resolved by the General Assembly of the State of Ohio,* That there be printed, for the use of senators and members, five hundred copies of the rules for the senate and house, including joint rules, names of members, with post-office address and lists of committees. Also, that there be included therewith the extracts from the constitution, laws, and revised statutes of the United States, with rulings of the courts thereon as found in the manual prepared by the clerk of the last senate, and that two hundred copies be bound in muslin.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Adopted January 23, 1880.

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[Senate Joint Resolution No. 6.]

JOINT RESOLUTION

Providing for the appointment of an additional committee-man to act with the committee already appointed to make arrangements for the inauguration of the governor.

*Resolved by the General Assembly of the State of Ohio,* That the president of the senate be authorized to appoint one additional member to act with the two already appointed upon the part of the Senate to serve as a joint committee to make arrangements for the inauguration of the governor.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Adopted January 23, 1880.

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[House Joint Resolution No. 2.]

JOINT RESOLUTION

Instructing our senators and requesting our representatives in congress to use their influence to have the provisions of the bill now pending before congress extend to Wilberforce University and Albany Enterprise Academy.

WHEREAS, Five hundred and ten thousand dollars, originally appropriated for the pay and bounties of colored soldiers, has remained un-

claimed more than seven years, from the failure to discover claimants therefor, and has been recently covered back into the treasury of the United States; and,

WHEREAS, It is equitable that the classes from whose services this fund has accrued should receive the benefit thereof; and

WHEREAS, Justice and expediency demand that these moneys shall be distributed so as to reach the largest number of the necessitous classes, and meet the wants of said classes for elementary as well as higher instruction; and,

WHEREAS, There is a bill now pending before the congress of the United States providing for the investment, by the secretary of the treasury, of said sum of five hundred and ten thousand dollars, or a sum equal to that amount, in four per cent. registered bonds of the United States, and that said bonds shall be held by him in trust for the educational uses of colored youths, and the interest thereof alone shall be, as it accrues, paid over by the secretary of the treasury to certain colored schools and colleges therein named; and,

WHEREAS, Wilberforce university, a large and flourishing institution, located in Greene county, Ohio, and devoted wholly to the education of colored students, is not named in said bill as one of the beneficiaries in said fund; and,

WHEREAS, The Albany Enterprise academy, an established and flourishing institution, located at Albany, in Athens county, Ohio, devoted to the education of colored students, is not mentioned as a beneficiary of said fund; therefore,

*Resolved by the General Assembly of the State of Ohio,* That our senators be instructed, and our representatives requested, to use their influence to have said bill so amended as to include said Wilberforce university and the Albany Enterprise academy.

*Resolved,* That the governor be requested to forward one copy of this preamble and resolution to each of our senators and representatives in the congress of the United States.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Adopted January 27, 1880.

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[Senate Joint Resolution No. 13.]

#### JOINT RESOLUTION

Requesting and instructing senators of the state of Ohio in the congress of the United States, and our representatives, to use their influence and vote against bridging the Detroit river.

WHEREAS, Propositions are now pending before committees in both houses of congress, for the construction of a bridge with draw openings across the Detroit river; and,

WHEREAS, Transportation at the lowest possible cost, between the east and the west, can only be secured and maintained by preserving the great water-way entirely free and unobstructed; and,

WHEREAS, The construction of such a bridge at this narrowest channel

on the whole line of water communication would seriously impede and injure its commerce; and,

WHEREAS, The mining, manufacturing, and agricultural interests of the state of Ohio, are directly concerned in the preservation of this channel entirely free to the interchange between herself and sister states of all raw and manufactured products; and,

WHEREAS, The free and unobstructed use of these waters is a natural right of the people, which government should never permit to be abridged or imperilled by concessions to individuals or to corporations; and,

WHEREAS, Additional facilities for crossing can be acquired by individuals or corporations, either by an adequate enlargement of the ferryage system or by the construction of a tunnel; therefore,

*Resolved by the General Assembly of the State of Ohio*, That the senators in the congress of the United States from the state of Ohio be instructed, and our representatives requested, to use their influence and vote against any bill authorizing or permitting the construction of a bridge across the Detroit river.

*Resolved*, That the governor be requested to transmit a certified copy of these resolutions to each of the senators and members of congress from the state of Ohio.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Adopted January 27, 1880.

[House Joint Resolution No. 11.]

JOINT RESOLUTION

Providing for the creation of a commission to consider the subject of contagious diseases of domestic animals.

*Resolved by the General Assembly of the State of Ohio*, That the agricultural industry of the country requires the creation of a permanent commission under national authority, whose sole duty it shall be to investigate the nature and treatment of contagious diseases of domestic animals, and, with the concurrence and sanction of the secretary of the treasury, to adopt and enforce such reasonable rules and regulations as may be necessary to prevent the importation and dissemination of these diseases, as well as to eradicate such as may exist.

*Resolved further*, That said commission should consist of not less than three members, one competent and experienced veterinary surgeon, one practical stock grower, and one practical business man familiar with questions relating to commerce in live stock.

*Resolved*, That the governor be requested to forward a copy of the foregoing resolutions to each of our senators and representatives in congress.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Adopted January 30, 1880.

## [House Joint Resolution No. 16.]

## JOINT RESOLUTION

Requesting our senators and representatives in congress to urge the completion of certain improvements along the lakes.

WHEREAS, The state of Ohio is interested, in common with other states bordering upon the great lakes, in the early completion of certain improvements affecting their commerce now in progress; and,

WHEREAS, Owing to the delay in the completion of these works, especially the improvement of the channel between lake Superior and lake Huron and of the Lime Kiln crossing near the mouth of the Detroit river, the interchange of our products with the north-west is now subject to great and needless disability and expense; and,

WHEREAS, The consequences of this fall upon our whole people, in the single particular of the iron products of lake Superior to the extent of nearly one million of dollars annually; and,

WHEREAS, By adequate appropriations therefor, the completion of the lock canal at Sault St. Marie and the improvement of the St. Mary's river and the Lime Kiln crossing can be completed to sixteen feet of water during the year 1881; therefore,

*Resolved by the General Assembly of the State of Ohio*, That an urgent commercial necessity exists for the earliest possible completion of these improvements, and that we hereby request our senators in congress and our representatives to use all proper means to secure this important result.

*Resolved*, That the governor of Ohio is hereby instructed to forward a copy of this joint resolution to each of the senators and representatives of Ohio in the congress of the United States.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Adopted January 30, 1880.

## [Senate Joint Resolution No. 1.]

## JOINT RESOLUTION

Providing for appointment of committee to notify the governor of the organization of the general assembly.

*Be it resolved by the General Assembly of the State of Ohio*, That a committee of two on the part of the senate and three on the part of the house be appointed to wait upon the governor, and inform him that the general assembly is now in session, and ready to receive any communication he may wish to transmit.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Adopted February 4, 1880.

## [Senate Joint Resolution No. 4.]

## JOINT RESOLUTION

Providing for the appointment of a committee on joint rules for the government of the senate and house of representatives.

*Be it resolved by the General Assembly of the State of Ohio, That a joint committee of three on the part of the senate and five on the part of the house be appointed on joint rules.*

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
 R. G. RICHARDS,  
*President pro tem. of the Senate.*

Adopted February 4, 1880.

## [Senate Joint Resolution No. 2.]

## JOINT RESOLUTION

Providing for joint convention of both houses to count the vote.

*Be it resolved by the General Assembly of the State of Ohio, That the two houses of the general assembly meet in joint convention, in accordance with the provisions of section 38 of the revised statutes, on Wednesday, January 7, 1880, at 11 o'clock A.M., and count the votes for state officers at the election held on the second Tuesday of October, 1879.*

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
 R. G. RICHARDS,  
*President pro tem. of the Senate.*

Adopted February 4, 1880.

## [Senate Joint Resolution No. 3.]

## JOINT RESOLUTION

Providing for appointment of joint committee to arrange for the inauguration of the governor-elect.

*Be it resolved by the General Assembly of the State of Ohio, That a joint committee, consisting of two on the part of the senate and three on the part of the house, be appointed to make the proper arrangements for the inauguration of the governor-elect on Monday, January 12, 1880.*

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
 R. G. RICHARDS,  
*President pro tem. of the Senate.*

Adopted February 4, 1880.

[Substitute for House Joint Resolution No. 6.]

JOINT RESOLUTION

Providing copies of the revised statutes for county infirmaries.

WHEREAS, The act to provide for the printing and distributing of the revised statutes, passed June 23, 1879, excepted the directors of infirmaries in the distribution of said statutes; therefore,

*Be it resolved by the General Assembly of the State of Ohio*, That the secretary of state be directed to forward to the auditor of each county of the state, wherein is a county infirmary, one copy of the revised statutes of Ohio, to be delivered to the directors of the county infirmary, to be kept at their office as the property of said infirmary, for the use of the directors and superintendent thereof.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Adopted February 5, 1880.

[Senate Joint Resolution No. 17.]

JOINT RESOLUTION

Requesting the secretary of state to report to the general assembly whether or not he has received the electrotype plates of the revised statutes, as provided by law.

*Be it resolved by the General Assembly of the State of Ohio*, That the secretary of state be and he is hereby requested to report to the general assembly whether he has received the electrotype plates, as provided in section seven thousand four hundred and forty-eight of the revised statutes, and if not, the reason therefor.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Adopted February 8, 1880.

[Senate Joint Resolution No. 11.]

JOINT RESOLUTION

Providing for the printing and binding of additional copies of the report of the secretary of state, for distribution among the members.

*Be it resolved by the General Assembly of the State of Ohio*, That there be printed sixteen thousand copies of the report of the secretary of state for the year 1879, for the use of, and to be equally distributed to, the members of the present general assembly. To determine what number of such reports are to be printed in German, it shall be the duty of the secretary of state to ascertain from each member of the general assembly what number of the copies he is entitled to receive he wishes in the German language. The aggregate number so determined shall be the number authorized to be printed in German, and they shall be distrib-

uted accordingly: provided, that in the printing of the copies herein provided for, there shall be no charge for composition. And the supervisor of printing is hereby directed to have the copies of said report provided for herein, and also those provided for by law, bound in muslin in the usual manner.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Adopted February 6, 1880.

[Senate Joint Resolution No. 14.]

JOINT RESOLUTION

Instructing senators and requesting Representatives from the state of Ohio, in the congress of the United States, to use their influence for the speedy passage of a bill "to amend the statutes in relation to the immediate transportation of dutiable goods."

*Be it resolved by the Senate and House of Representatives of the State of Ohio, in Legislature assembled, That,*

WHEREAS, A bill has been introduced in the house of representatives of the congress of the United States, entitled "a bill to amend the statutes in relation to the immediate transportation of dutiable goods;" and,

WHEREAS, Such bill has been referred to the committee of ways and means of the said house for consideration; and,

WHEREAS, The passage of said bill would be a great and lasting benefit to the state of Ohio, and to all the interior states, by reason of liberating their foreign trade from existing impediments, and giving to the ports of entry of such states their constitutional equality with seaboard ports; therefore,

*Resolved,* That the representatives in congress and the United States senators from the state of Ohio are hereby requested to do all in their power to procure a speedy passage of the said bill.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Adopted February 6, 1880.

[Senate Joint Resolution No. 16.]

JOINT RESOLUTION

Requesting the attorney-general for an opinion as to the benefits secured by the state in copy-rights under the statutes of the United States, and whether a state can secure a copy-right and collect damage for infringement of same.

*Be it resolved by the General Assembly of the State of Ohio, That the attorney-general be and he is hereby requested to report to this general assembly, at an early day—*

First—Whether the copy-right to the revised statutes by the secretary of state secures to the state the benefits of the United States statutes upon the subject of copy-right.

Second—If the state has or can secure a copy-right of the statutes.

Third—If a person publishes and sells the same statutes, can the state collect damages therefor, and prevent future infringement?

THOS. A. COWGILL,

*Speaker of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Adopted February 6, 1880.

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[Senate Joint Resolution No. 18.]

JOINT RESOLUTION

Providing for a joint committee to report on the propriety and expense of erecting a governor's mansion.

*Be it resolved by the General Assembly of the State of Ohio,* That a joint committee, consisting of three on the part of the senate and five on the part of the house, be appointed to consider and report upon the propriety and expense of erecting, upon grounds owned by the state, or purchasing, a suitable residence for the governor of the state and his successors in office. Said committee also to report, as far as practicable, such information respecting styles and plans, and appropriate locality of such residence as may be obtained without expense to the state, and also such further information as they may be able to furnish, pertinent to be known in case such purchase or construction should be undertaken by the state.

THOS. A. COWGILL,

*Speaker of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Adopted February —, 1880.

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[House Joint Resolution No. 18.]

JOINT RESOLUTION

Authorizing the attorney-general to have copies printed of the record in the case of the of the Canal Elevator Company versus Matthews.

WHEREAS, The case of the Canal Elevator Company versus Matthews, now pending in the supreme court of Ohio, will be reached for hearing about March first; and

WHEREAS, The state of Ohio is the real party in interest in said case; and

WHEREAS, Property claimed by the state, of the value of twelve or fifteen thousand dollars, is at stake therein; and

WHEREAS, The said court, before hearing such cases, requires that the record shall be printed; therefore,

*Resolved by the General Assembly of the State of Ohio,* That the attorney-general be and hereby is authorized to request the supervisor of



public printing to print a suitable number of copies of the record of said case, under the existing contract for state printing.

JOHN A. WILLIAMSON,  
*Speaker pro tem. of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Adopted February 11, 1880.

[Senate Joint Resolution No. 19.]

JOINT RESOLUTION

Directing that all new matter in bills amending any existing laws be printed in italics.

*Resolved*, That in all bills amending any existing law, all new matter contained in such bills be printed in italics, and authors of bills shall indicate such new matter by underscoring the same.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Adopted February 12, 1880.

[Senate Joint Resolution No. 25.]

JOINT RESOLUTION

Providing for a joint committee of investigation to visit the soldiers and sailors orphans home at Xenia, Ohio, and perform certain duties therein named.

*Resolved*, That there be appointed a committee of two on the part of the senate, and three on the part of the house, and that said committee are hereby instructed to visit the soldiers and sailors orphans home at Xenia, Ohio, at their earliest convenience for the purpose of taking testimony and ascertaining the loss sustained by the teachers and other employes of the state who suffered loss of property in the fire that occurred in said institution on the 16th day of February, A.D. 1879, and that they report the loss of each individual to the general assembly. Also, that they investigate claims said to be due divers persons for labor performed and materials furnished in the construction of the new building or in repairing the old ones. And that they recommend such action as they shall deem just after a full and fair investigation. And they are hereby empowered to call for persons and papers, and to take such steps as shall enable them to carry out this resolution.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Passed February 26, 1880.

## [House Joint Resolution No. 23.]

## JOINT RESOLUTION

Requesting the committee on public buildings to examine into the distribution of rooms in the state house.

*Resolved by the General Assembly of the State of Ohio, That the standing committees of the senate and house on public buildings and lands be and they are hereby requested to examine into the present assignment of rooms to the several departments of state located in the state house, and report at an early day what change, if any, should be made therein.*

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*

R. G. RICHARDS,  
*President pro tem. of the Senate.*

Adopted March 6, 1880.

## [House Joint Resolution No. 24.]

## JOINT RESOLUTION

Providing for binding in muslin the report of the state commissioner of common schools for 1879.

*Resolved by the General Assembly of the State of Ohio, That the supervisor of public printing be directed to have the report of the commissioner of common schools for 1879 bound in muslin.*

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*

R. G. RICHARDS,  
*President pro tem. of the Senate.*

Adopted March 6, 1880.

## [House Joint Resolution No. 13.]

## JOINT RESOLUTION

Requesting our senators and representatives in congress to enact a law regulating transportation of freight and passengers.

*Resolved by the General Assembly of the State of Ohio, (the senate and house of representatives concurring), That our senators and representatives in congress are hereby requested to enact such laws regulating the transportation of freight and passengers over the railroads within the United States as to protect the farming, manufacturing, and commercial interests from the unjust and ruinous discriminations in rates of charges that now prevail; and that the governor be requested to forward a copy of this resolution to each of our senators and representatives in congress.*

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*

R. G. RICHARDS,  
*President pro tem. of the Senate.*

Adopted March 6, 1880.

[Sub. for House Joint Resolution No. 29.]

## JOINT RESOLUTION

Providing for the sale of copies of the revised statutes.

*Resolved by the General Assembly of the State of Ohio,* That after having supplied the several county auditors and public officers entitled to copies of the revised statutes as required by law, if any copies remain in the hands of the secretary of state, he is hereby authorized to dispose of the same at the price authorized by law, and shall monthly make return of such sales to the auditor of state, and shall upon the certificate of such auditor pay the amount so received for the revised statutes monthly to the treasurer of state.

*Resolved,* That after having disposed of all the copies in his possession, the secretary of state is authorized to obtain from the county auditors of the state any surplus copies which they may have, and to dispose of them to purchasers as provided for in the above resolution.

THOS. A. COWGILL,

*Speaker of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Adopted March 9, 1880.

[Senate Joint Resolution No. 8.]

## JOINT RESOLUTION

Authorising the printing and distribution of agricultural reports.

*Resolved by the General Assembly of the State of Ohio,* That the secretary of state be authorized and required by law, under and in accordance with a law passed March 24, 1880, to provide for the execution and supervision of the state printing and binding, under the joint supervision of supervisor of state printing and the secretary of the state board of agriculture, to have printed and bound twenty thousand copies of the report of the state board of agriculture for the year 1879, and twenty thousand copies for the year 1880, of which ten per cent. will be printed in German, and the size of the type and mechanical execution to conform to the report of said board for the year 1878; five thousand copies of the report of 1879, and five thousand copies of the report of 1880, to be subject to the order of the state board of agriculture, for exchange and foreign distribution; fifteen thousand copies of the report of each of said years, 1879 and 1880, the secretary of state shall apportion among the present members of the general assembly, the number of German copies for each member to be determined by list to be furnished the secretary of state by the committee on agriculture in each house, on which list shall be stated the names of members desiring German copies, and the number desired by each; said reports shall be boxed up and directed to the members, in care of the county auditor in the county in which they respectively reside, and it shall be the duty of said county auditor to notify the respective members within ten days after the receipt of said reports, and if not removed by the person to whom directed, or on his written order within thirty days, then the reports are to be delivered by the auditor to the secretary of the county agricultural society for distribution. The charge for transportation of said reports, as well as all the

charges for boxes, shall be paid for in the same manner as is or may be provided by law for the distribution of the laws and journals: provided, that said copies shall be printed and delivered to the state binder not later than the fifteenth day of July, 1880 and 1881, respectively.

JOHN A. WILLIAMSON,  
*Speaker pro tem. of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Adopted March 9, 1880.

[House Joint Resolution No. 33.]

JOINT RESOLUTION

Providing for the distribution of labor statistics.

*Resolved by the General Assembly of the State of Ohio,* That there be printed four thousand additional copies of the third annual report of the commissioner of the bureau of statistics of labor, to be distributed as follows: thirty-four hundred for the use of the general assembly, five hundred for the commissioner, and one hundred for the state library, and that additional fifteen hundred copies of said statistics be printed in the German language, for the use of and to be equally distributed to such members of the general assembly as may desire them.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Adopted March 11, 1880.

[House Joint Resolution No. 47.]

JOINT RESOLUTION

Relating to land at Xenia, Ohio.

WHEREAS, The governor, treasurer, and attorney-general, by authority of an act passed March 30, 1875, purchased a tract of land containing and one hundred and fifty-two acres, adjoining the premises of the soldiers sailors orphans home at Xenia, of the trustees of Pelham and Cary; and,

WHEREAS, No deed can be found for said land, nor is there a record thereof in the county of Greene; therefore,

*Resolved by the General Assembly of the State of Ohio,* That the attorney-general be and he is hereby instructed to investigate the matter, and if the deed can not be found, to bring an action in the proper court of Greene county to quiet the title of the state.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Adopted March 16, 1880.

[Senate Joint Resolution No. 28.]

## JOINT RESOLUTION

Requiring the enforcement of the provisions of Senate Joint Resolution No. 19.

*Resolved by the General Assembly of the State of Ohio, That no bills hereafter introduced for the purpose of amending existing laws shall be sent to the printer for printing unless they conform to the requirements of Senate Joint Resolution No. 19, providing for underscoring the new matter contained in such bill for the purpose of having the same printed in italics.*

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
 R. G. RICHARDS,  
*President pro tem. of the Senate.*

Adopted March 25, 1880.

[House Joint Resolution No. 50.]

## JOINT RESOLUTION

Relating to distributing reports.

*Be it resolved by the General Assembly of the State of Ohio, That the secretary of state be and he is hereby authorized and directed to distribute equally among the members of the present general assembly any surplus copies in his hands over and above what are needed for use or distribution at his office of the constitutional debates, agricultural reports, secretary of state, reports, school laws, railroad reports, and hog cholera reports, and that the same be packed in boxes, together with the maps of the geological survey of Ohio, and shipped to the address of each member respectively in accordance with the conditions and provisions of House Joint Resolution No. 34.*

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
 R. G. RICHARDS,  
*President pro tem. of the Senate.*

Adopted March 26, 1880.

[Senate Joint Resolution No. 37.]

## JOINT RESOLUTION

Relating to agriculture.

WHEREAS, No country in the world presents a more extensive area of territory adapted to agricultural purposes, or a greater diversity of soil and climate, than is embraced within the limits of the United States of America; and,

WHEREAS, The value of the annual productions of the soil of the country is equal to or greater than the value of all its other productions; and,

WHEREAS, The magnitude of the interests of agriculture would seem to merit, as we believe they ought to receive, as careful attention and as much of the fostering care of the general government as does the army,

navy, foreign, interior, financial, judicial, or its post-office departments; therefore, be it

*Resolved*, That the representatives in congress from the state of Ohio be and they are hereby requested to use all proper means to secure the best possible facilities for the promotion of agricultural interests, and, as a means to that end, they give their support to a measure raising the head of the agricultural bureau to the grade of a cabinet officer by authorizing the president to appoint a secretary of agriculture.

*Resolved*, That the secretary of state be directed to furnish to each of the senators and representatives in congress from Ohio a copy of the foregoing resolution.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Adopted March 26, 1880.

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[Senate Joint Resolution No. 26.]

JOINT RESOLUTION

Directing the admission of the children of Daniel Shea to the Ohio soldiers and sailors orphans home.

WHEREAS, Daniel Shea, a member of Co. C, 10th Ohio volunteers, in the late war of the rebellion, and now an inmate of the soldiers home at Dayton, Ohio, has four children under fourteen years of age now living in the state of Connecticut; and,

WHEREAS, The mother of said children is dead, and said Daniel Shea is in destitute circumstances, and is wholly unable to support said children, and said children are in the hands of persons who are poor and unable to properly care for or educate them; therefore,

*Resolved by the General Assembly of the State of Ohio*, That the officers of the Ohio soldiers and sailors orphans home be and they are hereby required to receive the said children into said institution, provided there be sufficient room for them therein.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Adopted March 25, 1880.

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[House Joint Resolution No. 52.]

JOINT RESOLUTION

Relating to the house of refuge at Toledo, Ohio.

*Resolved by the General Assembly of the State of Ohio*, That the auditor of state and attorney-general be and they are hereby authorized to enter into a contract with the city of Toledo, through the board of directors of the house of refuge and correction of said city, for the keeping and maintaining at said institution, in such manner as may be agreed upon in

such contract, for the period of three years, of a number of boys under the age of sixteen years, who may be sentenced to confinement in such house of refuge and correction under the laws of Ohio, not exceeding an average of one hundred and fifty, and at a rate of compensation which shall not exceed two dollars and fifty cents per week, to be paid by the state: provided, the directors of said house of refuge and correction furnish the necessary mechanical industries upon the premises of said institution for the proper employment of the boys within six months after the date of the contract; provided, that all inmate citizens of the city of Toledo, sentenced by its police court, shall be kept and supported by said city: and provided further, that nothing herein shall in any way be construed to be initiary steps to an additional reform school.

THOS. A. COWGILL,

*Speaker of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Adopted March 26, 1880.

[House Joint Resolution No. 55.]

#### JOINT RESOLUTION

Providing for placing Clarence E. Bowman in the soldiers and sailors orphans home at Xenia.

WHEREAS, Clarence E. Bowman, of the age of eleven years, and son of James H. Bowman, and step-son of Mary Bowman, all of Columbus, Ohio, is now a fugitive from the cruelties of said father and mother; and,

WHEREAS, The said Clarence E. Bowman is the son of a soldier who served during the whole of the late war in the union army, and now has no home except such as a poor grandmother provides; and,

WHEREAS, Said boy will soon be thrown entirely upon his own resources for support, or have to be sent to the infirmary by reason of his grandmother's early removal; therefore,

*Resolved by the General Assembly of the State of Ohio,* That the officers of the soldiers and sailors orphans home be and they are hereby required to receive the said Clarence E. Bowman into said institution.

THOS. A. COWGILL,

*Speaker of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Adopted March 30, 1880.

[Substitute for House Joint Resolution No. 34.]

#### JOINT RESOLUTION

Providing for the distribution of geological maps of the state of Ohio.

WHEREAS, Two thousand copies of the geological maps are now in the possession of the secretary of state; and,

WHEREAS, The remaining three thousand copies will be delivered to the secretary of state at an early date; therefore,

*Resolved by the General Assembly of the State of Ohio, That the secretary of state be and he is hereby instructed to distribute said geological maps as follows, to wit :*

First. That he set aside three hundred copies, to be by him, from his office, directly distributed among the people.

Second. To his excellency the governor of Ohio, fifty copies.

Third. To the state librarian, for the use and benefit of the state library, one hundred copies.

Fourth. To each officer of the present senate and house of representatives, one copy.

Fifth. That he distribute the residue thereof equally among the members of the present general assembly, and box and ship the same to their respective places of residence; the expense thereby incurred to be paid out of the fund provided for the distribution of laws, journals, and public documents.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Adopted April 1, 1880.

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[Senate Joint Resolution No. 33.]

JOINT RESOLUTION

For placing Manuel Zuniga in the Columbus insane asylum.

*Resolved by the General Assembly of the State of Ohio, That the superintendent of the Columbus insane asylum, by and with the advice and consent of the trustees thereof, is hereby authorized to receive into said institution Manuel Zuniga, an insane, unaturalized foreigner of Guadaluaxa, Mexico, and to take charge of and care for him temporarily, and until such time as in the opinion of the superintendent his condition and safety to the public admits of his discharge.*

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Adopted April 6, 1880.

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[Senate Joint Resolution No. 29.]

JOINT RESOLUTION

Providing for the purchase of revised statutes of Ohio.

*Resolved by the General Assembly of the State of Ohio, That the secretary of state is hereby authorized and directed to obtain from the contractors who published the revised statutes of Ohio, for the use of the state and to supply the present demand, all the copies of said statutes they may have on hand, not exceeding seven hundred and seventy-five (775) copies, at a price not to exceed two dollars per volume, bound.*

JOHN A. WILLIAMSON,  
*Speaker pro tem. of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Adopted April 7, 1880.



[House Joint Resolution No. 56.]

## JOINT RESOLUTION

Relative to ex-soldiers and sailors re-union.

**WHEREAS**, The ex-soldiers and sailors association of Franklin county, Ohio, contemplate holding a reunion of ex-soldiers and sailors of Ohio, and others serving in the army of the United States, on the tenth, eleventh, and twelfth of August, 1880, in the city of Columbus, Ohio; therefore,

*Be it resolved by the General Assembly of the State of Ohio*, That the adjutant-general, as superintendent of the state house and state house grounds, is hereby authorized to allow the use of the senate chamber and house of representatives, and such other rooms as can be spared conveniently in the state house, to the ex-soldiers and sailors association of Franklin county, for the purpose of holding meetings during the reunion of ex-soldiers and sailors at Columbus, to be held August tenth, eleventh and twelfth, 1880, said rooms not to be opened during said time only on the written order of the executive committee of said association to said adjutant-general: provided, that the adjutant-general is satisfied that no damage will be done to the property of the state.

*Resolved*, That the adjutant-general be and he is hereby authorized to deliver to the order of the executive committee of the ex-soldiers and sailors association of Franklin county, Ohio, aforesaid, on or before the ninth day of August, 1880, all the battle flags in his custody of regiments that may be represented at said reunion; said flags to be carried in procession by the representatives of said regiments, and not to be unfurled; said flags to be returned by said committee, in good order, immediately after the dismissal of said procession; and the adjutant-general is hereby authorized, in like manner, at said time, to deliver, on the order of said committee, not exceeding five pieces of artillery and caissons complete: provided the same are to be returned in good order, with the battle flags, without any expense to the state of Ohio.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. C. RICHARDS,  
*President pro tem. of the Senate.*

Adopted April 8, 1880.

[Senate Joint Resolution No. 37.]

## JOINT RESOLUTION

Providing for printing additional reports of the adjutant-general.

*Be it resolved by the General Assembly of the State of Ohio*, That there shall be printed and bound, for the use of the adjutant-general, one thousand additional copies of the report of the adjutant-general for 1879.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
R. G. RICHARDS,  
*President pro tem. of the Senate.*

Adopted April 12, 1880.

[House Joint Resolution No. 46.]

## JOINT RESOLUTION

Pertaining to the removal of fountains from the state house grounds.

*Resolved by the General Assembly of the State of Ohio, That the trustees of the girls' industrial home, near Delaware, are hereby authorized and directed to remove from the state house grounds the four fountains known as "Meily's midgets" to the grounds of the said industrial home, and erect them thereon, at such place or places as, in their judgment, will be most proper for said fountains, and they are hereby authorized to pay the cost of such removal and erection from any appropriation made for the current expenses for said home.*

THOS. A. GOWGILL,

*Speaker of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Adopted April 12, 1880.

[Senate Joint Resolution No. 39.]

## JOINT RESOLUTION

Providing for printing the laws relating to railroads and telegraphs.

*Be it resolved by the General Assembly of the State of Ohio, That there be printed, in pamphlet form, for the use of the commissioner of railroads and telegraphs, one thousand copies of the laws relating to railroads and telegraphs now in force in Ohio.*

THOS. A. COWGILL,

*Speaker of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Adopted April 13, 1880.

[House Joint Resolution No. 58.]

## JOINT RESOLUTION

Directing the admission of one Thomas Sherman McCrary as an inmate of the reform school.

**WHEREAS**, The superintendent and trustees of the reform school for boys have refused to receive as an inmate thereof one Thomas Sherman McCrary, of Jackson county, because said McCrary has lost a leg; and,

**WHEREAS**, Said McCrary was properly committed to that institution by the authorities of said county; therefore,

*Be it resolved by the General Assembly of the State of Ohio, That the superintendent and trustees of said institution are hereby directed and required to receive said McCrary as an inmate of the same.*

THOS. A. COWGILL,

*Speaker of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Adopted April 13, 1880.

[House Joint Resolution No. 36.]

## JOINT RESOLUTION

Relating to the distribution of school reports.

*Resolved by the General Assembly of the State of Ohio,* That the school commissioner be and he is hereby directed to pack up and deliver to each senator and representative an equal number of copies of the undistributed school laws and school reports, reserving a sufficient number for the use of the public officers.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
 R. G. RICHARDS,  
*President pro tem. of the Senate.*

Adopted April 13, 1880.

[Senate Joint Resolution No. 41]

## JOINT RESOLUTION

Relating to House Bill No. 180, by Mr. Brown, of Butler.

WHEREAS, By some inadvertence House bill No. 180 appears on file in the office of the secretary of state, duly signed and certified as being one of the laws passed at this session of the general assembly, when in fact the same was not actually passed; therefore, be it

*Resolved by the General Assembly of the State of Ohio,* That the secretary of state be and he is hereby requested to return said enrolled bill to the senate for such action as is proper in the premises.

THOS. A. COWGILL,  
*Speaker of the House of Representatives.*  
 R. G. RICHARDS,  
*President pro tem. of the Senate.*

Adopted April 14, 1880.

[House Joint Resolution No. 59.]

## JOINT RESOLUTION

Relative to the assignment of rooms to the several departments of state.

WHEREAS, The senate and house of representatives have heretofore adopted House Joint Resolution No. 28, authorizing the "standing committee of the senate and house on public buildings and lands," to examine into the present assignment of rooms to the several departments of state located in the state house, and to report thereon; and,

WHEREAS, The report of the special committee to whom said House Joint Resolution was referred had made report thereon, which has, by the house, been adopted; therefore, be it

*Resolved by the General Assembly of the State of Ohio,* That the adjutant-general be instructed—

First, to remove the paintings and portraits recently removed from the governor's office, and now in rooms No. 15 and 16 to the rotunda, and so arrange them as to make the bare walls an attractive feature of our

state capital, and for that purpose he is authorized to introduce such changes in the lights of the rotunda as will display the portraits and paintings.

Second, to remove the office of the insurance department from the rooms now occupied by it to the rooms No. 15 and 16, which shall hereafter be known as the office of the insurance department.

Third, to remove so much of the auditor's office as the auditor may direct into the large room vacated by the removal of the office of the insurance department, and to place the small room adjoining thereto at the disposal of the senate for a committee room.

Fourth, To make such changes in the cases, tables, desks, shelving, and furniture as may be necessary to carry out the provisions of this resolution.

THOS. A. COWGILL,

*Speaker of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Adopted April 14, 1880.

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[Senate Joint Resolution No. 40.]

JOINT RESOLUTION

Providing for the publication of the Ohio state reports and the advanced sheets of the same.

*Be it resolved by the General Assembly of the State of Ohio, That the secretary of state be, and he is hereby authorized to contract with some responsible person or firm to furnish material, print, bind, and supply the state with three hundred and fifty copies of the thirty-sixth and any other subsequent volume or volumes of the Ohio state reports that may be ready for publication within two years from the 23d day of June, 1880. Said contract to be made with the lowest responsible bidder, as provided in section 2, article 15, of the constitution, after first giving public notice to bidders for four weeks in some weekly newspaper published in Columbus, Ohio, and of general circulation in the state. Said contract to be made in accordance with the provisions, and subject to the limitations and instructions of section four hundred and thirty-seven of the revised statutes as to cost and otherwise, and shall include the advanced sheets provided for in said section. The volume to be in quality of paper and binding equal to vol. 1, Ohio state reports, as provided by law.*

THOS. A. COWGILL,

*Speaker of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Adopted April 15, 1880.

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[Senate Joint Resolution No. 42.]

JOINT RESOLUTION

Relating to fountains in state house yard.

*Resolved by the General Assembly of the State of Ohio, That the superintendent and engineers of the soldiers and sailors orphans home be allowed to*

receive one of the four fountains now in the state house yard, and to remove the same to Xenia for the use of said institution, and so much of H. J. R. No. 46 as conflicts with this resolution is hereby rescinded.

THOS. A. COWGILL,

*Speaker of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Adopted April 15, 1880.

[Senate Joint Resolution No. 39.]

#### JOINT RESOLUTION

Providing for loaning and forwarding battle-flags, arms, etc., to soldiers' re-union at Canton, Ohio.

*Resolved by the General Assembly of the State of Ohio,* That the adjutant-general be and is hereby authorized to forward to the executive committee of the re-union of the ex-soldiers and sailors of Ohio, and others serving in the army of the United States, to be held in the city of Canton, Stark county, Ohio, September 14, 1880, such battle-flags as he may deem proper, said flags to be carried in procession by the representatives of the regiments to which they belong, and not to be unfurled; said flags to be returned immediately after the close of the re-union in good order; and the adjutant-general is further authorized to forward to said committee two pieces of artillery complete, with all other arms, and camp and garrison equipage for use at said re-union: provided, that the adjutant-general shall take satisfactory security for the safe return of said flags and property in good condition, without any expense to the state.

THOS. A. COWGILL,

*Speaker of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Adopted April 15, 1880.

[Senate Joint Resolution No. 44.]

#### JOINT RESOLUTION

Relative to Longview asylum.

*Be it resolved by the General Assembly of the State of Ohio,* That a committee of three on the part of the senate and five on the part of the house of representatives be appointed to confer with the proper authorities and ascertain whether, and upon what conditions, the Longview asylum for insane can be transferred to the state of Ohio, and report at the next session of the general assembly.

THOS. A. COWGILL,

*Speaker of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Adopted April 16, 1880.

[Senate Joint Resolution No. 35.]

## JOINT RESOLUTION

. Relative to adjournment (April 17) of the general assembly.

*Resolved by the General Assembly of the State of Ohio, That this general assembly will adjourn on Saturday, April 17, 1880, at 8 o'clock A.M., to meet again on Tuesday, January 4, 1881, at 3 o'clock P.M.*

THOS. A. COWGILL,

*Speaker of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Adopted April 17, 1880.

[House Joint Resolution No. 39.]

## JOINT RESOLUTION

Relating to certain sections of the statutes of the United States.

*Be it resolved by the Senate and House of Representatives of the General Assembly of the State of Ohio, That the senators representing this state in the Senate of the United States be and they are hereby instructed, and that the representatives in congress from Ohio in the house of representatives be and they are hereby requested to use their best efforts to secure an amendment to section 4952 of the revised statutes of the United States so that the same will not apply to any book, map, chart, cut, or print not substantially novel and original with the inventor or author, intended for introduction or use in the public schools of any state, county, or municipal corporation.*

JOHN A. WILLIAMSON,

*Speaker pro tem. of the House of Representatives.*

R. G. RICHARDS,

*President pro tem. of the Senate.*

Adopted April 17, 1880.

OFFICE OF SECRETARY OF STATE,  
COLUMBUS, OHIO, June 8, 1880.

I certify that the foregoing general and local laws and joint resolutions are correctly copied from the original rolls on file in this office.

MILTON BARNES,

*Secretary of State,*

# ROSTER OF JUDGES.

## JUDGES OF THE COURT OF COMMON PLEAS—1879-1880.

District.	Sub div.	Counties.	Names and post-offices.	Term.	
				Commenced.	Expires.
1	{	Hamilton ....	Fayette Smith, Cincinnati....	Dec. 2, 1878	Dec. 2, 1883
			Fred. W. Moore, " ....	Dec. 2, 1878	Dec. 2, 1883
			Wm. L. Avery, " ....	Feb. 12, 1877	Feb. 12, 1882
			Joseph Cox, " ....	Feb. 12, 1877	Feb. 12, 1882
			Nicholas Longworth, " ....	Feb. 12, 1877	Feb. 12, 1882
			Robert A. Johnston, " ....	Nov. 6, 1876	Nov. 6, 1881
2	{	Butler .....	Jacob Burnet, " ....	Nov. 6, 1876	Nov. 6, 1881
			Alex. F. Hume, Hamilton....	Feb. 12, 1877	Feb. 12, 1882
			Henderson Elliott, Dayton....	Nov. 6, 1876	Nov. 6, 1881
			David L. Meeker, Greenville..	May 12, 1873	May 13, 1883
2	{	Montgomery..	James A. Gilmore, Eaton....	May 12, 1879	May 12, 1884
			Darke .....	May 12, 1879	May 12, 1884
2	{	Champaign ..	Henry H. Williams, Troy †....	Dec. 3, 1877	Feb. 12, 1882
			Miami .....	Nov. 3, 1879	Nov. 3, 1884
2	{	Warren .....	Wm. R. Warnock, Urbana....	Nov. 3, 1879	Nov. 3, 1884
			James M. Smith, Lebanon ....	Feb. 12, 1877	Feb. 12, 1882
			Azariah W. Doan, Wilmington†	April 12, 1875	April 12, 1880
			Greene .....	April 12, 1875	April 12, 1880
			James S. Goode, Springfield*..	April 12, 1875	April 12, 1880
3	{	Clarke .....	James E. Hawes, Xenia.....	Feb. 9, 1879	Feb. 9, 1884
			Shelby .....		
			Auglaize .....		
			Mercer .....		
			Allen .....		
3	{	Van Wert.....	Charles M. Hughes, Lima.....	Feb. 9, 1880	Feb. 9, 1885
				Feb. 9, 1879	Feb. 9, 1884
3	{	Paulding .....			
3	{	Defiance .....	Selwin N. Owen, Bryan .....	Feb. 12, 1877	Feb. 12, 1882
			Williams .....		
			Fulton .....		
3	{	Henry .....	John J. Moore, Ottawa .....	May 10, 1879	May 10, 1884
			Putnam .....		
4	{	Lucas .....	Wm. F. Lockwood, Toledo....	Nov. 11, 1878	Nov. 11, 1883
			Ottawa .....	Nov. 11, 1878	Nov. 11, 1883
			John H. Doyle, Toledo....	Oct. 24, 1879	Oct. 24, 1884
			Sandusky....	Oct. 24, 1874	Feb. 9, 1880
			Reuben C. Lemmon, Toledo*..	Oct. 24, 1874	Feb. 9, 1880
4	{	Erie .....	John Mackey, Sandusky†..		
			Huron .....		
			Birdseye W. Rouse, Toledo ...	May —, 1876	May —, 1881
4	{	Lorain .....	Newell D. Tibballe, Akron....	May 1, 1876	May 1, 1881
			Medina .....	Feb. 12, 1877	Feb. 12, 1882
			Summit .....		
4	{	Cuyahoga ...	Darius Cadwell, Cleveland....	Feb. 9, 1879	Feb. 9, 1884
			Jesse H. McMath, " ....	Nov. 1, 1875	Nov. 1, 1880
			James M. Jones, " ....	Nov. 1, 1875	Nov. 1, 1880
			Edwin T. Hamilton, " ....	Nov. 1, 1875	Nov. 1, 1880
			Gershom M. Barber, " ....	Nov. 1, 1875	Nov. 1, 1880
5	{	Clermont .....	Samuel B. Prentiss, " ....	Feb. 12, 1877	Feb. 12, 1882
5	{	Brown .....	Allen T. Cowen, Batavia.....	Feb. —, 1878	Feb. —, 1883
			Adams .....	Feb. 12, 1877	Feb. 12, 1882
5	{	Ross .....			
5	{	Highland .....	Thad. A. Minshall, Chillicothe.	Feb. 12, 1879	Feb. 12, 1884
			Fayette .....	Feb. 12, 1877	Feb. 12, 1882
			Samuel F. Steel, Hillsborough.	Feb. 12, 1877	Feb. 12, 1882

\* Re-elected October, 1879.

† Elected to fill vacancy occasioned by death of George D. Burgess.

‡ Appointed May 25, 1880, to fill vacancy caused by death of Cooper K. Watson.

## COMMON PLEAS JUDGES—Continued.

District.	Sub-div.	Counties.	Names and post-offices.	Term.	
				Commenced.	Expires.
5	3	Franklin .....	Ed. F. Bingham, Columbus ...	May 11, 1878	May 11, 1883
		Pickaway .....	John L. Green, " .....	Feb. 12, 1877	Feb. 12, 1882
		Madison .....	Eli P. Evans, " .....	May —, 1878	May —, 1883
			George Lincoln, London .....	Feb. 9, 1880	Feb. 9, 1885
6	1	Licking .....	Samuel M. Hunter, Newark ...	Feb. 12, 1877	Feb. 12, 1882
		Knox .....	John Adams, Mt. Vernon .....	Feb. 12, 1877	Feb. 12, 1882
6	2	Delaware .....			
		Morrow .....	Moses R. Dickey, Mansfield ...	Feb. 12, 1877	Feb. 12, 1882
6	3	Richland .....	Thomas J. Kenny, Ashland ...	Feb. 10, 1879	Feb. 10, 1884
		Ashland .....			
6	3	Wayne .....	Chas. C. Parsons, Sr., Wooster.	Feb. 12, 1877	Feb. 12, 1882
		Holmes .....	C. F. Voorhees, Millersburg...	Feb. 12, 1878	Feb. 12, 1883
7	1	Coshocton .....			
		Fairfield .....	Silas H. Wright, Lancaster ...	Feb. 12, 1877	Feb. 12, 1882
7	2	Perry .....	John S. Freisner, Logan .....	Dec. 1, 1879	Dec. 1, 1884
		Hocking .....			
7	3	Jackson .....			
		Vinton .....	J. J. Harper, Portsmouth .....	Feb. 12, 1877	Feb. 12, 1882
7	3	Pike .....	James Tripp, Jackson C. H. ...	Feb. 9, 1879	Feb. 9, 1884
		Scioto .....			
7	3	Lawrence .....			
		Gallia .....	Samuel S. Knowles, Marietta..	Feb. 12, 1878	Feb. 12, 1883
7	3	Meigs .....	Jos. P. Bradbury, Pomeroy....	Feb. 12, 1877	Feb. 12, 1882
		Athens .....			
8	1	Washington .....			
		Muskingum .....	Wm. H. Frazier, Caldwell ....	Feb. 12, 1877	Feb. 14, 1882
8	2	Morgan .....	Wm. H. Ball, Zanesville .....	Aug. 3, 1879	Aug. 3, 1884
		Noble .....			
8	3	Guernsey .....			
		Belmont .....	Wm. Okey, Woodsfield .....	Feb. 12, 1877	Feb. 12, 1882
8	3	Monroe .....			
		Jefferson .....	J. Patrick, Jr., N. Philadelphia.	Feb. 12, 1877	Feb. 12, 1882
9	1	Harrison .....			
		Tuscarawas .....	Seraphim Meyer, Canton .....	Feb. 12, 1877	Feb. 12, 1882
9	2	Stark .....	Peter A. Laubie, Salem .....	Nov. 1, 1875	Nov. 1, 1880
		Carroll .....			
9	3	Columbiana .....	Ezra B. Taylor, Warren .....	Feb. 12, 1878	Feb. 12, 1883
		Trumbull .....	Wm. T. Spear, Warren .....	Oct. 31, 1878	Oct. 31, 1883
9	3	Portage .....			
		Mahoning .....	Laban S. Sherman, Ashtabula.	Feb. 12, 1877	Feb. 12, 1882
9	3	Geauga .....	H. B. Woodbury, Jefferson....	Jan. 25, 1876	Jan. 25, 1881
		Lake .....			
10	1	Ashtabula .....			
		Wood .....	John McCauley, Tiffin .....	Feb. 9, 1880	Feb. 9, 1885
10	2	Hancock .....	Henry H. Dodge, Perrysburg..	Feb. 1, 1878	Feb. 1, 1883
		Seneca .....			
10	3	Hardin .....			
		Crawford .....	Thomas Beer, Bucyrus .....	Feb. 12, 1877	Feb. 12, 1882
10	3	Marion .....			
		Wyandot .....	John L. Porter, Marysville....	Feb. 12, 1877	Feb. 12, 1882
10	3	Union .....			
		Logan .....			



## **TIMES OF HOLDING COURTS IN OHIO IN 1880.**

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### **FIRST DISTRICT.**

#### **DISTRICT COURT.**

**Hamilton, 1st Monday January, 1st Monday April, 1st Monday October.**

#### **COMMON PLEAS.**

**Hamilton, 1st Monday January, 2d Monday May, 1st Monday November.**

### **SECOND DISTRICT.**

#### **DISTRICT COURT.**

**Butler, March 29; Clinton, May 3; Warren, April 26; Champaign, May 17; Montgomery, May 3; Clarke, March 29; Greene, April 12; Darke, April 12; Preble, May 24; Miami, March 29.**

#### **COMMON PLEAS.**

**Butler, January 12, May 24, October 18.  
Montgomery, January 12, May 31, October 18.  
Darke, January 12, May 24, October 18.  
Clinton, January 12, May 17, October 18.  
Warren, January 12, June 7, October 18.  
Clarke, January 12, May 31, October 18.  
Greene, January 5, June 7, October 18.  
Champaign, January 12, June 7, October 18.  
Miami, January 12, June 7, October 18.  
Preble, February 2, June 7, November 1.**

### **THIRD DISTRICT.**

#### **DISTRICT COURT.**

**Allen, March 27; Auglaize, March 20; Defiance, April 5; Fulton, April 9; Henry, April 7; Mercer, March 25; Paulding, April 2; Putnam, March 16; Shelby, March 23; Van Wert, March 31; Williams, April 10.**

#### **COMMON PLEAS.**

**Allen, January 19, May 24, November 15.  
Auglaize, January 5, April 19, September 6.  
Defiance, January 19, May 3, October 5.  
Fulton, March 2, May 11, October 19.  
Henry, February 3, April 20, September 14.  
Mercer, February 9, June 7, October 25.  
Paulding, January 5, April 19, September 20.  
Putnam, January 5, May 31, November 8.  
Shelby, February 16, April 19, September 6.  
Van Wert, February 23, May 10, September 27.  
Williams, February 12, May 31, November 8.**

## FOURTH DISTRICT.

## DISTRICT COURT.

Erie, April 15; Huron, March 22; Lucas, March 15; Sandusky, April 5; Ottawa, April 29; Lorain, March 15; Medina, April 29; Summit, March 15; Cuyahoga, March 15; September 6.

## COMMON PLEAS.

Erie, January 26, May 24, October 25.  
Huron, February 2, May 24, November 22.  
Lucas, January 5, May 3, October 18.  
Sandusky, January 5, March 1, October 18.  
Ottawa, January 5, May 3, October 4.  
Lorain, February 2, May 24, October 25.  
Medina, January 12, May 3, September 27.  
Summit, January 12, May 10, September 27.  
Cuyahoga, January 5, March 1, May 3, October 12.

## FIFTH DISTRICT.

## DISTRICT COURT.

Madison, March 16; Fayette, April 26; Clermont, September 20; Franklin, March 20, October 15; Adams, August 31; Highland, September 29; Pickaway, April 19; Brown, September 3; Ross, October 4.

## COMMON PLEAS.

Adams, January 6, May 4, September 7.  
Clermont, January 27, May 25, October 19.  
Brown, January 27, May 4, November 9.  
Highland, January 6, May 4, October 19.  
Ross, January 6, May 4, October 19.  
Fayette, February 17, June 1, November 9.  
Franklin, January 5, April 5, September 6.  
Madison, January 6, May 4, October 19.  
Pickaway, February 3, June 1, November 16.

## SIXTH DISTRICT.

## DISTRICT COURT.

Delaware, July 6; Knox, July 12; Licking, June 21; Ashland, June 21; Morrow, June 26; Richland, July 12; Coshocton, June 10; Holmes, June 7; Wayne, June 14.

## COMMON PLEAS.

Delaware, January 5, April 6, October 18.  
Knox, February 16, May 3, November 15.  
Licking, January 12, April 12, October 4.  
Ashland, March 1, August 23, November 15.  
Morrow, February 9, May 3, October 18.  
Richland, March 22, September 6, December 6.  
Coshocton, February 16, April 19, October 18.  
Holmes, January 12, March 29, September 6.  
Wayne, February 16, August 23, November 29.

## SEVENTH DISTRICT.

## DISTRICT COURT.

Washington, April 1; Gallia, April 12; Scioto, April 20; Perry, August 31; Hocking, September 8; Athens, September 11; Meigs, April 7; Lawrence, April 15; Pike, April 26; Fairfield, September 3; Jackson, September 19; Vinton, September 16.

## COMMON PLEAS.

Athens, February 9, June 7, November 17.  
 Fairfield, March 15, June 7, November 29.  
 Gallia, February 9, May 24, November 8.  
 Hocking, February 15, June 7, November 29.  
 Jackson, March 1, June 7, November 15.  
 Lawrence, March 2, June 8, November 9.  
 Meigs, January 19, May 3, October 11.  
 Perry, January 19, April 26, November 18.  
 Pike, February 2, May 10, October 18.  
 Scioto, February 2, May 10, October 18.  
 Vinton, January 6, April 12, September 21.  
 Washington, January 12, May 3, October 18.

## EIGHTH DISTRICT.

## DISTRICT COURT.

Belmont, April 13; Jefferson, April 6; Harrison, September 2; Tuscarawas, September 6; Guernsey, September 10; Monroe, September 16; Noble, September 26; Morgan, September 23; Muskingum, September 27.

## COMMON PLEAS.

Muskingum, February 2, May 10, November 8.  
 Morgan, January 13, April 20, October 14.  
 Noble, January 20, April 20, October 18.  
 Guernsey, February 17, May 18, November 16.  
 Belmont, February 4, May 11, November 9.  
 Monroe, January 13, April 20, October 14.  
 Jefferson, March 2, June 1, November 30.  
 Tuscarawas, February 2, May 4, November 3.  
 Harrison, January 13, April 20, October 14.

## NINTH DISTRICT.

## DISTRICT COURT.

Trumbull, April 12; Portage, April 5; Lake, March 31; Geauga, April 7; Ashtabula, March 22; Mahoning, March 22; Columbiana, April 21; Carroll, April 28; Stark, April 12.

## COMMON PLEAS.

Carroll, January 19, May 10, November 8.  
 Stark, January 19, May 10, October 18.  
 Columbiana, February 9, May 24, November 22.  
 Mahoning, January 12, May 3, September 6.  
 Trumbull, February 9, May 24, October 18.  
 Portage, January 12, May 3, September 6.  
 Lake, February 9, May 31, November 15.  
 Geauga, January 12, May 3, October 18.  
 Ashtabula, January 12, May 3, October 18.

## TENTH DISTRICT.

## DISTRICT COURT.

Crawford, July 9; Hardin, March 30; Hancock, April 7; Logan, March 19; Marion, June 29; Union, March 16; Seneca, April 13; Wood, April 20; Wyandot, April 2.

## COMMON PLEAS.

Crawford, January 5, April 26, September 6.  
Hardin, February 23, May 3, October 4.  
Hancock, January 5, June 8, September 6  
Logan, February 17, May 25, October 19.  
Marion, February 17, June 8, November 2.  
Seneca, February 2, May 31, September 6.  
Union, January 5, May 3, September 13.  
Wood, February 16, May 3, October 4.  
Wyandot, February 2, May 18, October 13.

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